Calendar No. 884

84TH CONGRESS, 1st Session } SENATE { REPORT No. 877

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JULIUS G. WATSON

JULY 18, 1955.—Ordered to be printed

Mr. MCNAMARA, from the Committee on Labor and Public Welfare, submitted the folloming

REPORT

[To accompany H. R. 3354]

The Committee on Labor and Public Welfare, to whom was referred the bill (H. R. 3354) for the relief of Julius G. Watson, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to waive the 1 year limitation period under section 303 (d) (1) of the Federal Employees' Compensation Act of 1949 (63 Stat. 867) in order to enable Mr. Julius G. Watson of Key West, Fla., to file his claim for injuries sustained on March 4, 1949, while employed at the Naval Air Station, Boca Chica Field, Key West, Fla.

STATEMENT OF FACTS

On March 4, 1949, Mr. Julius G. Watson suffered an injury in the performance of his duty as an engineman at the United States Naval Air Station, Boca Chica, Key West, Fla. The result of the injury was that Mr. Watson suffered what is described as a "traumatic amputation" of a portion of his right hand.

The Federal Employees' Compensation Act Amendments of 1949 (63 Stat. 854) provided for scheduled awards for the loss of members during the year prior to October 14, 1949, and provided that such awards were not payable unless an injured employee filed his claim and elected to receive compensation under the schedule within 1 year after October 14, 1949. Mr. Watson was not informed of his rights under this act, nor was informed of the limitation period involved. In the report submitted to the House Judiciary Committee by Adm. Ira H. Nunn, Judge Advocate of the Navy, it is stated that Mr. Watson was not properly advised of his rights due to an administrative error on the part of the Navy, and that as a result Mr. Watson filed his claim for a scheduled award too late, and it was rejected. He filed that claim on July 22, 1952, and the Bureau of Employees'

Compensation rejected the claim on May 22, 1953, on the ground that it had not been filed within the prescribed time. The committee agrees with the recommendation of the Department of the Navy that in view of these facts the bill merits favorable consideration. The facts reflected in the reports of the Department of the Navy and the Department of Labor show that Mr. Watson was not properly informed of his right to file for a scheduled award. Further, the action taken in connection with his case gave Mr. Watson the impression that his supervisor had taken care of all details in connection with his injury. In view of this state of facts the committee recommends favorable consideration of the bill.

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 10, 1955.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
United States Senate, Washington 25, D. C.

DEAR SENATOR HILL: This is in further response to your request for my comments on H. R. 3354, an act for the relief of Julius G. Watson.

H. R. 3354 proposes to waive the time limitations of the Federal Employees' Compensation Act (39 Stat. 742, as amended) which now preclude payment of compensation to Julius G. Watson for an injury sustained by him in the performance of his duty as a civilian employee of the United States.

The files of the Bureau of Employees' Compensation of the Department show that on March 4, 1949, Mr. Watson sustained an injury to his right hand, which resulted in the amputation of three fingers, while in the performance of his duties as an engineman by the Department of the Navy at Key West, Fla. At the time of the accident, such loss was not compensable under the Employees' Compensation Act, except insofar as the earning capacity of an injured employee was affected. Although Mr. Watson was disabled for work as a result of the injury from March 4, 1949, to April 18, 1949, his absence was covered by leave with pay and therefore he was not entitled to disability compensation. The record in his case shows he returned to his usual duties at the same rate of pay on April 18, 1949, and apparently is still employed in the same establishment in which he was injured.

When the Compensation Act was amended on October 14, 1949, a schedule of compensation was established for specified permanent disabilities, including the loss of, or the loss of the use of, members of the body. A time limit of 1 year from the date of the enactment of the amendment was provided within which an election could be made to claim benefits retroactively under this provision. If Mr. Watson had elected to claim these benefits before October 14, 1950, it appears that he would have been eligible for payments for partial loss of the use of his hand.

On July 31, 1952, the Bureau received a claim for compensation from Mr. Watson requesting payment of benefits under the schedule. In explaining his delay in filing his claim, Mr. Watson stated he had not been informed of his rights and that he was under the impression that his supervisor had taken care of all details connected with his injury. The employing establishment has advised that the employee was not informed of the amendments to the Compensation Act and of his rights under the act. As the Bureau has no authority to extend the 1-year election period provided by the statute, Mr. Watson's claim was rejected.

There are many cases under the Compensation Act similar to the instant one in which the granting of scheduled awards for loss of members of the body has been precluded by failure to file a claim within the period fixed by the 1949 amendment establishing such awards. Therefore, enactment of special legislation waiving the time limitations with respect to one claimant would, in the absence of a congressional finding of special extenuating circumstances, ordinarily discriminate against other claimants similarly situated.

The House Committee on the Judiciary was of the opinion that special extenuating circumstances exist which properly distinguish the present case from other cases of this nature, and that the statute should be waived to permit Julius G.

Watson to file his claim and be heard on the merits (H. Rept. 532). The House of Representatives has agreed with that conclusion. In the event that the Senate agrees with the finding and conclusion of the House of Representatives, I would have no objection to the passage of this legislation.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

ARTHUR LARSON,
Acting Secretary of Labor.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., June 8, 1955.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
United States Senate, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of May 24, 1955, requesting the views of the Bureau of the Budget on H. R. 3354, "For the relief of Julius G. Watson."

The Bureau of the Budget is advised that the Navy Department recommends enactment of the bill and the Department of Labor would have no objection to its enactment. The position of these two Departments is predicated upon the fact that due to administrative error on the part of the Navy Department, the claimant was never advised properly of his rights. As a result, his claim was rejected by the Bureau of Employees' Compensation because it was not filed within the time prescribed by law.

The Bureau concurs in the views of the Department of Labor and the Navy and, accordingly, recommends that favorable consideration be given to the bill.

Sincerely yours,

HOUSER R. BELCHER,
Assistant Director.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington 25, D. C., April 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of February 2, 1955, to the Secretary of the Navy, requesting comment on H. R. 3354, a bill for the relief of Julius G. Watson.

The purpose of the bill is to waive the 1-year limitation contained in the first proviso of section 303 (d) (1) of the Federal Employees' Compensation Act Amendments of 1949 (63 Stat. 867) in favor of Julius G. Watson, Key West, Fla., to permit Mr. Watson to file his claim for compensation with the Bureau of Employees' Compensation for injuries sustained on March 4, 1949, while in the performance of his duties as engineman at the naval air station, Boca Chica Field, Key West, Fla.

Records of the Department of the Navy reveal that on March 4, 1949, while employed as an engineman at the United States Naval Air Station, Boca Chica Field, Key West, Fla., Mr. Watson sustained personal injury in the performance of duty and suffered traumatic amputation of a portion of his right hand. Mr. Watson gave notice of injury and filed claim for compensation within the time limits provided in sections 15 to 20 of the Federal Employees' Compensation Act.

The Federal Employees' Compensation Act Amendments of 1949 (63 Stat. 854) provided for scheduled awards for loss of members during the year prior to October 14, 1949, and section 303 (d) (1) of that act provided that a claim for such a scheduled award was not payable unless the injured employee filed his claim and elected to receive compensation under the schedule within 1 year after October 14, 1949. On July 22, 1952, Mr. Watson filed his claim for a scheduled award under the provisions of section (5) (a) of the Federal Employees' Compensation Act for permanent partial loss of his right hand as a result of the injuries received on March 4, 1949. Under date of May 22, 1953, the Bureau of Employees' Compensation, Department of Labor, entered an order in Mr. Watson's case, No. X-450451, rejecting his claim for scheduled award for the permanent

partial loss of use of his right hand because his claim had not been filed within 1 years after October 14, 1949.

When the Federal Employees' Compensation Act Amendments of 1949 were enacted Mr. Watson should have been informed of his rights under the act to file a claim for a scheduled award and that such claim should be filed prior to October 14, 1950. Due to an administrative error on the part of the Navy, Mr. Watson was never advised properly of his rights and as a result his claim was rejected by the Bureau of Employees' Compensation because it was not filed within the time prescribed by law.

In view of the foregoing, the Department of the Navy recommends the enactment of H. R. 3354.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on H. R. 3354 to the Congress.

Sincerely yours,

IRA H. NUNN,
Rear Admiral USN,
Judge Advocate General of the Navy
(For the Secretary of the Navy).

MARCH 19, 1953.

From: Commanding Officer.
To: Bureau of Employees' Compensation, Washington 25, D. C.
Subject: Claim for compensation by Julius G. Watson.
Reference: (a) BEC letter X–450451 dated October 13, 1952.
Enclosure: (1) Letter from Julius G. Watson dated March 9, 1953.

1. Reference (a) explained certain portions of Public Law 357, which provided scheduled awards for loss of members during the year prior to October 14, 1949. Public Law 357 further provided that a claim for such a scheduled award was not payable unless the injured employee applied within 1 year after October 14, 1949.

2. When Public Law 357 was passed, the safety officer from this activity should have informed anyone losing a member due to an accident during the period October 14, 1948–October 14, 1949, of his rights under the new law. Any person so injured should have been further advised that his right to claim a scheduled award under Public Law 357 would expire on October 14, 1950. Unfortunately, neither of these things were done.

3. Since Julius G. Watson was injured on March 4, 1949, his right to claim a scheduled award expired on October 15, 1950. Due to the above administrative error, Mr. Watson was never properly informed of his rights under the law. Enclosure (1) is a letter from Mr. Watson explaining the circumstances surrounding his failure to file a claim within the prescribed time limitation.

4. Mr. Watson has claimed compensation (scheduled award) on forms CA–4 and CA–4A previously forwarded. This command does not feel that an administrative error should deprive Mr. Watson of his right to claim compensation under Public Law 357. Accordingly it is recommended that such consideration as is possible be given to Mr. Watson's claim.

A. E. BUCKLEY.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF EMPLOYEES' COMPENSATION,
Washington 25, D. C., May 27, 1953.

Mr. JULIUS G. WATSON,
1920 Staples Avenue, Key West, Fla.

DEAR SIR: Reference is made to the injury which you sustained on March 4, 1949, while employed as engineman at the Naval Air Station, Boca Chica Field, Key West, Fla.

It is regretted that you were not in possession of the information which would have permitted you to file claim for, and elect to receive, a scheduled award prior to the expiration date (midnight October 14, 1950) imposed by law. The Bureau, however, has no discretion in the matter.

The amendments of 1949 were rather widely publicized both before and after the enactment of Public Law 357. In addition and although not required to do so, the Bureau made an unusual effort to notify the claimants, who appeared to be

entitled to claim such scheduled awards in the course of which thousands of cases were reviewed. With the limited resources of time and personnel available to the Bureau for this purpose, as well as the vast number of cases withdrawn from the files and reviewed, an occasional oversight occurred as in this case.

The administration of the Federal Employees' Compensation Act which yearly involves approximately 100,000 new injury cases, to say nothing of continuing cases, requires the cooperation of employees as well as official supervisors. Since it is the injured employee who applies for and receives the benefits, the burden in its final analysis rests upon the person making the claim, although this Bureau is willing to, and often does go to considerable lengths to assist a claimant. In his own interest, therefore, it is the duty of an employee of a Federal establishment to keep himself informed at all times of matters pertaining to his employment including its rights and privileges.

In order that there may be no doubt in your mind as to your rights under the Federal Employees' Compensation Act, it may be stated that failure to secure a scheduled award does not deprive you of your right to file claim for compensation on account of loss in wage earning capacity due to injury. This means that should you be unable to earn the wage you were receiving at the time of the injury because of a disability resulting from that injury you are entitled to apply to the Bureau for compensation benefits. You are also entitled to apply to the Bureau for any treatment needed for the effects of injury.

There is enclosed for your information a copy of the compensation order issued in rejection of your claim to a scheduled award.

Very truly yours,

BUREAU OF EMPLOYEES' COMPENSATION.

COMMANDING OFFICER,
United States Naval Air Station,
Boca Chica Field, Key West, Fla.

(Attention: Safety Officer.)

NOTE.—The foregoing will probably furnish but cold comfort to Mr. Watson at this late date. The time limitation having been placed in the law by the Congress, however, nothing short of congressional action would permit waiver.

BUREAU OF EMPLOYEES' COMPENSATION.

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Calendar No. 885

84TH CONGRESS, 1st Session | SENATE | REPORT No. 878

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RELIEF OF HOWARD L. GRAY

JULY 18, 1955.—Ordered to be printed

Mr. MCNAMARA, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany H. R. 4198]

The Committee on Labor and Public Welfare, to who was referred the bill (H. R. 4198) for the relief of Howard L. Gray, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is merely to waive sections 15 to 20, inclusive, of the Federal Employees' Compensation Act and permit Howard L. Gray to file his claim and be heard on its merits.

Information supplied to the committee indicates that Mr. Gray allegedly contracted encephalitis lethargica (sleeping sickness) while employed by the veterans hospital, Fayetteville, Ark. Hospital officials advised him to file a claim with the Veterans' Administration, which was rejected as Mr. Gray did not have the requisite service. By the time he was properly advised and attempted to file a claim under the Employees' Compensation Act, the 5-year time limitation had expired. This is the only reason his claim has not been considered by the Bureau of Employees' Compensation.

The committee believes Mr. Gray is entitled to have his claim considered on its merits and therefore recommend favorable consideration of H. R. 4198.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 3, 1955.

The Honorable LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
United States Senate, Washington 25, D. C.

DEAR SENATOR HILL: This is in further response to your request for my comments on H. R. 4198, an act for the relief of Howard L. Gray.

H. R. 4198 would authorize a waiver of the requirements for the filing of claims for compensation under the Federal Employees' Compensation Act to

permit Howard L. Gray to file a claim for disability resulting from illness alleged to have been contracted while employed as a hospital attendant at the Veterans' Administration hospital at Fayetteville, Ark., and for compensation payments, if allowed.

In a letter dated March 7, 1955, in response to your request for comments on S. 944, a bill for the relief of Howard L. Gray, this Department set forth the information contained in its files regarding Mr. Gray's claim. Our letter pointed out that we would be opposed to a waiver of the statutory time limitations in the absence of a congressional finding of special extenuating circumstances, because the waiver would result in preferential treatment for this claimant over others similarly situated. The Department's report also raised objection to the language of S. 944, and submitted a draft of proposed language to correct the defects in S. 944. H. R. 4198, which is in accord with our proposed language, does not contain these defects.

The House Committee on the Judiciary was of the opinion that the statute should be waived to permit Howard L. Gray to file his claims and be heard on the merits (H. Rept. 534), and the House of Representatives has agreed with that conclusion. In the event of a finding of extenuating circumstances and the Senate agrees with the conclusion of the House of Representatives, I would have no objection to the passage of this legislation.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

ARTHUR LARSON,
Acting Secretary of Labor.

The Honorable LISTER HILL,
Chairman, Senate Committee on Labor and Public Welfare,
Senate Office Building, Washington, D. C.

DEAR LISTER: This is to call your attention to S. 944, which is now pending before your committee, and to urge your favorable consideration of it as soon as possible.

The bill is for the relief of Howard Gray, who contracted sleeping sickness while employed by the veterans hospital at Fayetteville, Ark., but who failed to file a compensation claim under the Federal Employees Compensation Act before the time limitation had expired. The sole purpose of this bill is to waive the time limitation, permitting him to file a claim only. Before he will be entitled to compensation, he will have to sustain the burden of proving that his illness was caused by his employment.

The committee had held up this bill largely as a result of Secretary Mitchell's unfavorable report, which criticizes it on two grounds: (1) It lacks certain information, and (2) extenuating circumstances do not exist warranting its passage. As to the latter, I think it pertinent to note that the "extenuating circumstances" here referred to relate only to Mr. Gray's reason for not filing within the proper time—not to the merits of his case for compensation. To date he has been denied a hearing on the merits, and the Department of Labor has no way of determining why he failed to file promptly. Therefore, the question as to "extenuating circumstances" should be one for the committee to decide solely on the basis of the information which we have furnished.

Mr. Gray was advised by hospital officials to file a claim with the Veterans' Administration, which is the reason he did not promptly file with the Bureau of Employees Compensation. By the time he discovered that he should have filed under the Employees Compensation Act, the time limitation had expired. Considering the education of Mr. Gray, his reliance upon the faulty advice of those seemingly in a position of authority, and his diligent endeavor to obtain some form of compensation—albeit from the wrong agency until his error was disclosed—I strongly feel that this case warrants favorable action by your committee.

At any rate, I find it difficult to see how the Government can be harmed by this bill, as Mr. Gray still must overcome the very substantial burden of proving a causal relationship between his employment, and the subsequent illness. If he can meet this test, then he should be entitled to compensation.

Sincerely,

J. W. FULBRIGHT.

NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES,
FAYETTEVILLE CHAPTER 463,
Fayetteville, Ark., December 31, 1954.

In re Howard L. Gray, Fayetteville, Ark.

Hon. J. WILLIAM FULBRIGHT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The case of the above-captioned has been called to my attention, and I am enclosing copy of letter from the Bureau of Employees' Compensation, which under existing regulations appears to be final.

It appears that Mr. Gray while employed in the VA hospital at Fayetteville contracted encephalitis lethargica, and prior to his retirement filed a claim through the Veterans' Administration on the advice of the officials of the hospital with the Veterans Administration. A decision was made to the effect, that he, having no world war service was not entitled to relief. So far as I know, no claim was filed either by, or for him with the United States Employees' Compensation Commission. In the decision, he informs me, it was stated that his condition was due to influenze contracted in 1918. If this decision was made, it is not tenable under any circumstances as the incubation period of this condition is from 10 to 20 days, and not by the widest stretch of imagination could it be the result of a condition contracted 20 years before.

Further, he informs me that he was on duty in the wards designated for the treatment of encephalitis patients for a considerable time prior to his developing the condition. Resolving the benefit of the doubt, without proof to the contrary, it would be logical to assume that the condition developed as a result of his employment.

In this case, it would appear that this employee is being penalized because the officials of the hospital failed to notify the Employees' Compensation Commission of his condition or to advise him to, or file claim in his behalf. Had this been done it is obvious that a greater effort would have been made to determine the cause of his infection.

He informs me that all of the papers relating to his case, including the VA claim and decision have been filed with the Bureau of Employee's Compensation and he failed to retain copies, therefore, I have no means of determining the nature of advice given him or the procedure taken, other than as stated above.

From my own experience as a medical claims examiner in the United States Employees' Compensation Commission, I know that unless the claim filed by him with the Veterans' Administration can be accepted now as a claim to the Bureau of Employees' Compensation, a claim by him is barred by limitation, which constitutes an injustice, in that he was not informed of his rights by the hospital authorities, who, perhaps were as ignorant of the benefits provided by the Bureau of Employees' Compensation as he. It would further appear that they thought he was entitled to something and felt that his condition was due to his employment or they would not have advised him to file a claim with the Veterans' Administration.

This man is receiving only about $33 a month retirement from the Civil Service Commission, which is pitifully inadequate as he is permanently and totally disabled. He would be entitled under employees' compensation to an amount which, while inadequate, would provide a fairly decent livable income.

It will be appreciated by our chapter if you will cause a review of his file with the Bureau of Employee's Compensation, and if no relief can be given by them, because of the 5-year limitation, take steps to introduce a private bill for the relief of this worthy employee. I am enclosing copy of medical certificate forwarded by Mr. Gray to the Bureau.

I have no interest in Mr. Gray's claim, am charging no fee for any service I may render, and am only interested in his securing the benefits to which I believe him justly entitled.

With best wishes, I am,
Sincerely yours,

ELGIN H. BLALOCK, *President.*

NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES,
FAYETTEVILLE CHAPTER 463,
Fayetteville, Ark., January 4, 1955.

In re Howard L. Gray, 647 Oliver Street.

Hon. J. WILLIAM FULBRIGHT,
United States Senate, Washington, D. C.

DEAR SENATOR FULBRIGHT: I have received letter of December 21 from the Director of the Bureau of Employees' Compensation forwarded by memorandum from your office.

Their decision is quite in accordance with existing regulations, therefore it appears that the only relief that may be secured for Gray is by private pension bill.

This is a case in which the officials of the veterans' hospital, either through ignorance or design advised the employee to file with the Veterans' Administration, which was rejected as the employee was never a veteran. Last year someone advised him that he should have filed with the Bureau of Employees' Compensation, which was the first information he had received that such a Bureau existed.

We, therefore, have a case, in which the employee has been penalized because of failure of the Department in which he worked to properly advise him of his rights.

May I suggest that proper legislation be instituted to rectify his pitiful situation.

Best wishes for the New Year.

Very truly yours,

ELGIN H. BLALOCK, *President.*

N. B.—I have instructed Mr. Gray to forward you all the papers in connection with the VA claim.

E. H. B.

FAYETTEVILLE, ARK., *November 18, 1954.*

Mrs. B. MILWIT GREENE,
Chief, Retirement Division,
United States Civil Service Commission,
Washington, D. C.

Care of Mr. HOWARD L. GRAY,
Fayetteville, Ark.

DEAR MR. GRAY: This certifies that, on occasions between 1938 and 1941, I witnessed and treated you for several bizzare ocular and nervous system seizures suggestive of encephalitic phenomena, and that these seizures appeared to gradually render you unemployable.

It is my opinion that the activating cause of his disease, or its aggravation, was his employment in the Federal service during that time.

In support of this opinion I wish to state that it has been a widely accepted feeling that a disease of this nature is frequently due to contact with patients suffering from the same or similar conditions (which undoubtedly occurred during his several years work at the VA hospital), and that rest has been considered a large part of the treatment of such conditions. This much rest was rather obviously precluded by his continuation of such employment.

Respectfully,

HOWELL E. LEMING, M. D.

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Calendar No. 886

84TH CONGRESS, 1st Session } SENATE { REPORT No. 879

DUNCAN McQUAGGE

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JULY 18, 1955.—Ordered to be printed

Mr. MCNAMARA, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany H. R. 4707]

The Committee on Labor and Public Welfare, to whom was referred the bill (H. R. 4707) for the relief of Duncan McQuagge, having considered the same, report favorably thereon without amendment and recommend that the bill as amended do pass.

The purpose of the bill is merely to waive sections 15 to 20, inclusive, of the Employees' Compensation Act, and permit Duncan McQuagge to file his claim for personal injuries sustained while a member of the Civilian Conservation Corps in February 1937.

The report of the Committee on the Judiciary of the House of Representative is self-explanatory, and the facts of this case as set forth in that report are reproduced below:

> Mr. McQuagge was never informed as to his rights under the act until the 5 years' statute had run. He has been an invalid confined to his bed since the injuries. The reason this claim could not be considered by the Bureau of Employees' Compensation is that the 5 years' limitation had run, and therefore could not be considered. Your committee has been furnished with pictures of this man, showing him to be a hopeless cripple. Therefore, your committee is of the opinion that the statute should be waived and his claim considered on its merit.

The numerous affidavits submitted to the House Committee to verify Mr. McQuagge's statement are attached hereto and made a part of this report.

In the report of the Department of Labor to the House Committee, the Secretary of Labor expressed opposition to the bill—

> unless Congress finds extenuating circumstances justifying the time limit waiver in this case—

and suggested amendments to—

> make clear that the claim now presented is to be considered under the same limitations as were applicable at the time the injury occurred.

The committee regards the statements of fact by Mr. McQuagge, which are amply substantiated by the accompanying affidavits, as constituting extenuating circumstances that do justify waiving the time limit under the statute in this instance. The bill as passed by the House and approved by this committee includes the amendments suggested by the Secretary of Labor.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representative, Washington 25, D. C.

DEAR CONGRESSMAN CELLER: This is in further reply to your recent request for my comments on H. R. 4707, a bill for the relief of Duncan McQuagge.

The bill proposes to waive the time limitations of the Federal Employees' Compensation Act (39 Stat. 742, as amended) in favor of a former member of the Civilian Conservation Corps.

The records of the Bureau of Employees' Compensation of the Department show that this case first came to the attention of the Bureau on May 28, 1953, through receipt of a letter from the claimant referred by a Member of Congress. In this letter the claimant stated that he was injured in 1937 while a member of the Civilian Conservation Corps when a truck in which he was riding overturned. He stated that he was discharged from the Corps in early 1938 and returned to his home, where he has been a total invalid ever since. The Bureau has no other information regarding the case. No claim was filed within the statutory limit and therefore no investigation was made concerning the case, which, the claimant states, arose about 18 years ago.

The effect of H. R. 4707 would be to accord preferential treatment to the beneficiary over other claimants similarly situated. For this reason I would be opposed to enactment of this bill unless Congress finds extenuating circumstances justifying the time limitation waiver in this case.

If such circumstances should be found, I believe it would be advisable to revise the bill to reflect the modified form in which the Federal Employees' Compensation Act was extended to enrollees in the Civilian Conservation Corps. Such a revision should make clear that the claim now presented is to be considered under the same limitations as were applicable at the time the injury occurred. I believe this could be accomplished by adding in line 1, page 2 of the bill, following the word "amended," the words "and as made applicable to enrollees in the Civilian Conservation Corps."

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

LYNN HAVEN, FLA., *May 23, 1953.*

Hon. ROBERT L. F. SIKES,
Congressman of the State of Florida.

DEAR MR. SIKES: I have never asked for this claim to be settled in my 6-year limitation because I was confined to my bed and not able to hire a lawyer to get it straightened out for me. Here are the details as to what happened: In 1937, while I was a member of the CCC and in camp at Chipley, Fla., I was on a United States Forest Service truck when it was overturned off of the bridge. I was injured in the neck. I was treated by the CCC and carried on the payroll for 6 months; then honorably discharged. Because of an age limit I came home and in the first part of 1938 I was confined to my bed, a total invalid, where I have been ever since. I can prove this statement to be true by men who were in the truck with me and also a picture of the wreck. If there is any way you can help me get this just claim settled it would be highly appreciated.

Very truly yours,

DUNCAN McQUAGGE.

LYNN HAVEN, FLA., *July 20, 1953.*

Hon. BOB SIKES,
Washington, D. C.

DEAR SIR: I, Duncan McQuagge, am 39 years of age and was born and reared in Bay County, Fla.

I enrolled in the CCC in April 1936 at Panama City and was transported to DeFuniak Springs where I was examined by an Army doctor and passed A-1; then assigned to Camp P-69, Company 1416, at Chipley, Fla.

I served in the Chipley camp until it was necessary to put up a side camp to take care of the long-distant work, and was then assigned to that side camp with

a group of about 50 men. The side camp was located at old Seminole Hill which was near West Bay, a distance of about 45 miles from the base camp.

At the end of each month we went to the base camp for supplies and our pay, returning to the side camp, same day.

On February 1, 1937, all men had been transported in groups to the base camp and returned with the exception of 10 men, including myself. We had gone up in the late afternoon, picking up supplies and our pay. It was on our return trip to the side camp that the driver lost control of the truck about 1 mile out and went off a bridge, which was about 30 feet long and 11 feet high. The truck turned bottomside up and eight of us were trapped beneath the body of the truck until the driver could knock the tail gate loose and pull us out. All men were injured to some extent but mine was worse than the others, it being in my neck and back. Another truck was sent to take us back to the base camp for the doctor to examine. All but me were treated and released. I had a badly wrenched neck and back so the first-aid boy taped me up and I was to stay in the camp infirmary until I got better. According to the doctor it sometimes took 30–40 days for such cases to improve but I was not to worry as it was a minor injury and there was no need for me to be sent to an Army hospital.

In about 45 days the Chipley camp disbanded and I was still not able to work any but was transferred in a group of 27 men to Wilmar, Fla., CCC camp, where I reported to the camp doctor. I was again examined and told I was about to get well but that my neck and back would be left stiff. I was told it would be risky to go to a hospital and have it broke loose and he, the doctor, told me I did not have to work but could stay in camp and be carried on the payroll.

About the middle of 1937 orders came through putting an age limit on all CCC boys, and I was in the group that had to take an honorable discharge.

September 1, 1937, I arrived home, which was with my father in Lynn Haven. I was not able to work but I could "hobble" about. By the first of 1938 I began getting gradually worse; was nervous and in considerable pain.

Not being able to go to a specialist for treatment, I had to rely on the local doctors who could only give me temporary relief from the pains suffered. By the middle of 1938 I was confined to my bed, where I have been to this day.

I have not placed a claim of any sort against the Government. CCC men did not have to have a social security card therefore I did not keep up with the laws that followed my discharge. Poor judgment on my part kept me from trying to find out if I could get any disability. Many of my friends who knew about my injuries and how they were obtained have urged me to let my Congressman know the details so that he could help me to secure a certain sum for my disability so that I may not have to depend entirely on friends and neighbors for the remainder of my days. I would gladly accept any amount that could be obtained for me.

If there is any other information needed other than that enclosed, which includes many affidavits from my friends, I believe I can obtain it from my various friends.

Thanking you for even the slightest consideration, I am

Hopefully yours,

DUNCAN McQUAGGE.

CALLAWAY, FLA., *July 15, 1953.*

To Whom It May Concern:

When I was transferred from the side camp, Seminole Hill, of Bonifay, Fla., Duncan McQuagge was transferred with me. He had been in accident in February 1937 and had been hurt through the neck and shoulders. He continued to get worse after we were transferred and when he was released in the latter part of 1937 he was in very bad shape.

RAYMOND D. JOYNER.

Sworn to and signed before me this 15th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

SPRING FIELD, FLA., *June 27, 1953.*

To Whom It May Concern:

I, the undersigned, was one of the men transferred with Duncan McQuagge when he left the side camp at Seminole Hill with base camp at Bonifay, Fla., getting mail through Chipley.

At the time of our transfer Duncan McQuagge was having considerable trouble with his neck and back and the condition seemed to get worse as time went on until we were released from the CCC, in the latter part of 1937.

J. P. GAY.

Sworn to and signed before me this 27th day of June, 1953

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *June 7, 1953.*

To Whom It May Concern:

Having been a resident of Lynn Haven for more than 25 years, I knew Duncan McQuagge when he went into the CCC and was here when he was released and knew that when he arrived home in the latter part of 1937 he was suffering from trouble with his back and shoulders. His condition grew steadily worse, until he was confined to his bed in 1938 and since that time has become so badly disabled until he is totally dependent on other persons for his survival.

DAN NELLUMS.

Sworn to and signed before me the 7th day of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 9, 1953.*

To Whom It May Concern:

This is to certify that I, the undersigned, have been a resident of the city of Lynn Haven, Fla., for more than 20 years. I knew Duncan McQuagge when he returned home after being separated from the CCC in the latter part of 1937. At the time of his arrival home he was having trouble with his neck and back and by the middle of 1938 he was confined to his bed, where he has been ever since. He continued growing worse and now is totally disabled and dependent upon others for every movement made.

WM. A. BURKE.

Sworn to and signed before me this 9th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 5, 1953.*

To Whom It May Concern:

When Duncan McQuagge arrived home in the later part of 1937 he was having considerable trouble with his neck and shoulders. As I have been a resident in Lynn Haven, Fla., for more than 17 years I know he became bedfast in the latter part of 1938 and is dependent on others for his each and every need.

W. T. McNEAL.

Signed and sworn to before me this 5th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *June 30, 1953.*

To Whom It May Concern:

As I have been a resident of Lynn Haven, Fla., since 1925, I was here when Duncan McQuagge returned home in 1937. I knew he was suffering from back and neck injuries he had acquired while away from home in the CCC. Since his return home he became bedfast in 1938 and is now entirely dependent on others for his welfare.

JOE GARNER.

Sworn to and signed before me this 30th day of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *June 25, 1953.*

To Whom It May Concern:

I was assigned to the CCC camp at Bonifay, with mailing address at Chipley, Fla. Our side camp was at Seminole Hill. I was transferred with Duncan McQuagge after the accident in February 1937 occurred. Duncan McQuagge continued to grow worse as time went on and he had a lot of trouble with his neck and back, and at the time of his release from the CCC he was in pretty bad shape.

ADELL GRAY.

Sworn to and signed before me this 25th day of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

SPRINGFIELD STATION, PANAMA CITY, FLA., *June 26, 1953.*

To Whom It May Concern:

When Duncan McQuagge and I were transferred from the side camp at Seminole Hill of the CCC base camp at Bonifay, Fla., I knew he was having a lot of trouble with his neck and back. He continued getting worse all the time I knew him until he was released in the latter part of 1937.

NEAL WEST.

Sworn to and signed before me this 26th day of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 16, 1953.*

To Whom It May Concern:

I was in Lynn Haven, Fla., when Duncan McQuagge returned home from the CCC camp. I knew he was suffering from an injury he had gotten while away from home and as time went on he got worse, so that by the middle of 1938 he was confined to the bed. He has been getting worse all the time and now he can't do a thing for himself.

Mrs. FLORA I. MELVIN.

Sworn to and subscribed before me this 16th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 2, 1953.*

To Whom It May Concern:

I have lived in Lynn Haven, Bay County, Fla., all of my life. I knew Duncan McQuagge before and after time he was in the CCC. Before he went in he was a strong, healthy man. When he arrived home during the later part of 1937 was suffering with his neck and back, after which time he grew worse and was confined to his bed in 1938 where he grew steadily worse until he is totally disabled and has been for a number of years.

CURTIS W. COX.

Sworn to and signed before me this 2d day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 18, 1953.*

To Whom It May Concern:

Having lived in Lynn Haven, Fla., and knowing Duncan McQuagge since his return from the CCC camp, I know that he has suffered a great deal with the neck and back injury that he came home with in 1937. He became bedfast in 1938

and has been getting continuously worse ever since. Now he is in such conditi... that he can't make a move without help.

MYRTLE PAUL.

Sworn to and subscribed before me this 18th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 6, 1953.*

To Whom It May Concern:

Being a long-time resident of Lynn Haven, Fla., I have known Duncan McQuagge a long time before his term with the CCC. When he returned home in 1937 he was not at all the same man, having been hurt while away from home and having considerable trouble with his shoulders and back. I know that now he is a complete invalid and that the condition has grown steadily worse since he was confined to his bed during 1938.

B. F. TAYLOR.

Signed and sworn to before me this 6th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *June 28, 1953.*

To Whom It May Concern:

Having been a resident of Lynn Haven several years before his return home from the CCC I knew Duncan McQuagge before he left and after his return. I knew he was a strong healthly young man when he left but when he returned in 1937 he was having considerable trouble with his neck and shoulders. Since his return home he has been confined to the bed and has grown steadily worse as time goes by. Now he is totally disabled.

R. E. NELSON.

Sworn to and signed before me this 28th day of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 4, 1953.*

To Whom It May Concern:

I have been a resident of Lynn Haven, Fla., since 1931 so was here at the time Duncan McQuagge returned from the CCC in the latter part of 1937. He was having trouble with his neck and back when he returned and continued to get worse until he was confined to his bed in the middle of 1938. His condition has continued to grow worse since then and now he is entirely dependent on others.

Mrs. CLYDIE O. ROUSH.

Sworn to and signed before me this 4th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 14, 1953.*

To Whom It May Concern:

Being a long time resident of Lynn Haven, Bay County, Fla., I knew Duncan McQuagge before and after his term in the CCC. When he left to go into the CCC I remember him to be a strong healthy young man but when he returned he was suffering from a back ailment which rendered him helpless as years went by.

He returned in the later part of 1937 and by the middle of 1938 he was confined to his bed where he had been ever since growing worse as time goes by.

MARY TAUNTON.

Sworn to and subscribed to before me this 14th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 17, 1953.*

To Whom It May Concern:

Before his term in the CCC Duncan McQuagge was a strong, healthy young man. When he returned home, he was suffering from trouble in his back and neck. Before he had been home a year he had to go to bed and has been there ever since with his condition growing worse as time goes by. Now he is in such condition that he is totally dependent on others for his every move.

S. B. PAUL.

Sworn to and subscribed before me this 17th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 16, 1953.*

To Whom It May Concern:

Having known Duncan McQuagge since his return from the CCC camp in 1937, I do know he has had considerable trouble with his neck and back. In 1938 he became confined to his bed, where he has remained ever since, now being in the condition that he can't move without help.

Mrs. W. A. JONES, Sr.

Sworn to and subscribed before me this 16th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 20, 1953.*

To Whom It May Concern:

When Duncan McQuagge returned to Lynn Haven, Fla., after he got out of the CCC, he was having trouble with his neck and back. This condition kept on getting worse until about the middle of 1938 he was confined to his bed, where he has been ever since. I have seen him at various intervals and know his condition to grow worse from year to year.

B. P. SEMLOCK.

Sworn to and subscribed before me this 20th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 18, 1953.*

To Whom It May Concern:

I've lived in Lynn Haven a long time and have known Duncan McQuagge all the time I have lived here. He came home with a back injury in 1937 from the CCC camp. That trouble has continued getting worse all the time. In 1938 he was confined to bed and now has to be waited on in every respect, being unable to use his hands or arms in the least. He is totally disabled.

C. D. SEALE.

Sworn to and subscribed to before me this 18th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

LYNN HAVEN, FLA., *July 17, 1953.*

To Whom It May Concern:

Duncan McQuagge was an acquaintance of mine before and after his term in the CCC. I knew him to be an average man before he went to camp but on his return he was suffering from an injury of the neck and back. When he returned in 1937 he was having serious trouble to the extent that by the middle of 1938 he was totally bedfast and is to this day depending on others for all the necessities of life.

R. WM. PITTS.

Sworn to and subscribed before me this 17th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

COLUMBUS, GA., *June 20, 1953.*

STATE OF GEORGIA,
Muscogee County, ss:

This is to certify that on or about February 1, 1937, I was the driver of a truck that turned over at the CCC camp P-69 1416. I was a member of the camp and Duncan McQuagge was also a member of the camp and he was in the truck that I was driving and the truck turned over and off a bridge. The accident was at Chipley, Fla.

Duncan McQuagge was hurt when the truck turned over and off the bridge. He was hurt in the neck.

J. F. OWENS.

Signed before me this 20th day of June 1953.

[SEAL] S. BARTO HENDRIX, *Notary Public.*

WAUSAU, FLA., *June 27, 1953.*

To Whom It May Concern:

A bunch of men were returning to the side camp at Seminole Hill on February 1, 1937. We were riding in a company truck of the Civilian Conservation Corps when the driver lost control of the truck on the bridge and the truck turned over. I, the undersigned, was one of the men in the truck and know that Duncan McQuagge was hurt pretty bad in the neck and back at the time of the accident.

Our base camp was located at Bonifay, Fla., but we got our mail through Chipley, Fla. At the time of the wreck we were coming back from the base camp to resume duties at Seminole Hill side camp.

BURRIS F. PETTIS.

Sworn to and signed before me this 27th of June 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires October 10, 1954.

To Whom It May Concern:

This is to certify that I was a member of the CCC in Chipley, Fla., and was stationed at a side camp near West Bay, Fla., on February 1, 1937. While a member of this side camp it was necessary for us to be transferred to Chipley once a month to receive our pay. While returning to the side camp from Chipley on February 1, 1937, the truck that we were riding on turned over off of a bridge. I was on the truck when it turned over and I know that Duncan McQuagge of

Lynn Haven, Fla., was on the same truck and I know that he received a bad injury in his neck that left his neck stiff.

CHARLES CHAMBERLAIN.

STATE OF FLORIDA,
County of Walton, ss:

Charles Chamberlain, being first duly sworn, says that the statements above are true.

CHARLES CHAMBERLAIN.

Sworn to before me and subscribed in my presence this 17th day of June 1953.

[SEAL] MANO O. WARD, *Notary Public.*

My commission expires August 21, 1954.

Witness:
HERBERT McQUAGGE.
M. C. KELL.

BONIFAY, FLA., *June 18, 1953.*

To Whom If May Concern:

This is to certify that while I was a member of the Civilian Conservation Corps I served with Duncan McQuagge at Seminole Hill side camp, which was a side camp under the base camp at Bonifay, Fla.

On February 1, 1937, a CCC company truck, in which Duncan McQuagge, myself, and a number of other CCC members were riding, turned over, and McQuagge received a neck injury. This accident occurred about 1 mile from the Seminole Hill side camp on a return trip from the base camp at Bonifay, Fla.

I further certify that at the time the camp disbanded, McQuagge was still suffering from this injury, and I have personal knowledge that his condition gradually became worse, and for the last several years he has been an invalid.

DONNIE BROCK.

STATE OF FLORIDA,
County of Walton, ss:

Sworn to and subscribed to before me this the 18th day of June 1953, at De Funiak Springs, Fla.

[SEAL] J. WILL KELLY, *Notary Public.*

My commission expires June 13, 1957.

YOUNGSTOWN, FLA., *July 15, 1953.*

To Whom It May Concern:

I certify that I, the undersigned, was riding in same company truck as was Duncan McQuagge on February 1, 1937, when the driver lost control of truck on a bridge and the truck turned over on us. We were on our way from base camp located at Bonifay, Fla., to the side camp at Seminole Hill and was about a mile from the side camp when the accident happened.

Being in the same accident I knew that Duncan McQuagge was hurt in his neck and back at the time of the accident.

E. B. SMITH.

Sworn to and signed before me this 15th day of July 1953.

[SEAL] ESTHER C. JOHNSON, *Notary Public.*

My commission expires Oct. 10, 1954.

○

Calendar No. 888

84TH CONGRESS, 1st Session } SENATE { REPORT No. 881

UNIV. OF MICH.

AUG 2 1955

LAW LIBRARY

AIRPORT PROJECT SETTLEMENT FOR TOWN OF CLAYTON, N. MEX.

JULY 18, 1955.—Ordered to be printed

Mr. MONRONEY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 218]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 218) for the relief of the town of Clayton, N. Mex., having considered the same, report favorably thereon with an amendment and recommend that the bill S. 218, as amended, do pass.

The amendment is as follows:

At page 2, following the comma in line 9 after the word "Mexico", strike out all through line 13 and insert in lieu thereof the following:

the amount of $4,186.18, representing the unpaid balance of the Federal share of the total allowable project costs incurred by such town for airport development under contract numbered C4ca-5800 (including the construction of the auditorium or pilots' lounge and briefing room and the swimming pool-fire reservoir).

PURPOSE

The purpose of S. 218 is to relieve the town of Clayton, N. Mex., of any liability to refund to the United States $12,909.90 of the amounts previously paid to the town under a grant agreement entered into on June 29, 1949, between the town and the Administrator of Civil Aeronautics, acting for the United States, pursuant to the Federal Airport Act, and to authorize and direct the Administrator to pay to the town out of any funds appropriated under the Federal Airport Act an additional amount of $4,186.18.

These two adjustments would have the effect of treating as allowable project costs under the grant agreement (1) that portion of the cost of constructing an auditorium included in the project which was in excess of the estimated cost of constructing a wing of the airport administration building designed for use as a pilots' lounge and briefing room of a size and type adequate for such airport purposes; and (2)

that portion of the cost of constructing a combination swimming pool-fire reservoir included in the project which was in excess of the estimated cost of an ordinary reservoir of a size and type adequate for fire-protection purposes at the airport.

HISTORY OF THE PROJECT

The grant agreement of June 29, 1949, obligated the United States to pay 56.9 percent of those costs determined to be allowable under the Federal Airport Act, of a project for the development of the Clayton Municipal Airport, comprised of the following items of airport development or work:

> Grade northeast-southwest runway, taxiways and apron; construct stabilized base for apron and approximately 1,000 feet on each end of runway; construct fire reservoir, administration building, waterline, powerline and access road; turfing.

The testimony indicates that the plans and specifications for the construction of the administration building (including the auditorium wing) and the swimming pool-fire reservoir were submitted to and approved by the Civil Aeronautics Administration before work on those two facilities was commenced. Those plans and specifications clearly indicated the type and design of the facilities involved. Further, the testimony disclosed that the Civil Aeronautics Administration gave its full approval of the construction of those two facilities in accordance with the plans and specifications submitted, and indicated to the town that the entire cost thereof would be eligible for participation in accordance with the terms of the grant agreement.

Prior to making final payment the CAA requested an opinion of the Comptroller General as to the allowability of the costs of the auditorium wing and the swimming pool-fire reservoir. The Comptroller General, in his opinion B–108691 of June 4, 1952, required the Department of Commerce (CAA) to disallow as project costs that portion of the cost of the auditorium which was in excess of the estimated cost of constructing a wing of the building adequate in design and size for use as a pilots' lounge and briefing room only and that portion of the cost of constructing the swimming pool-fire reservoir which was in excess of the estimated cost of an ordinary reservoir of a size and type adequate for fire-protection purposes at the Clayton Municipal Airport.

The town of Clayton was notified of the foregoing disallowance of costs and, in view of the fact that partial payments previously made, in the amount of $84,269.02, exceeded the Federal share of the total allowable project costs by $12,909.90, was requested to refund that amount to the United States.

COMMITTEE ACTION

The Department of Commerce, in its report, dated March 22, 1955, and by testimony of the Under Secretary of Commerce for Transportation, has stated that the Department is opposed to the enactment of the bill. The opposition of the Department is based on the legal ineligibility of the two facilities involved. However, the Under Secretary in his testimony stated that while such is the view of his Department, the Department recognizes that the question as to

whether the town should be granted relief in view of all the circumstances involved and considering the equities of the situation, is a matter for the Congress to decide.

Your committee has very thoroughly and carefully considered all of the testimony regarding the processing of the project, the approval of the auditorium and the swimming pool-fire reservoir, and the subsequent disallowance of portions of the costs of those facilities. Further, your committee has obtained, by letter dated July 12, 1955, from the Administrator of Civil Aeronautics, certain additional information and data relating to the project and the disallowance of costs, for use in the committee's consideration of the matter. A copy of that letter is attached as exhibit A.

The testimony discloses beyond any doubt that the CAA advised the town of Clayton, through established normal channels, prior to the commencement of construction of the auditorium and the swimming pool-reservoir, that those 2 facilities were eligible for Federal aid under the Federal Airport Act and that the Government did in fact enter into a grant agreement, that of June 29, 1949, for a project including those 2 facilities. It is also clear that the approval of those two facilities as part of the project and eligible for grant, was obtained from and given by the Washington office of the CAA and that the town of Clayton was so advised.

Your committee does not take exception to the ruling of the Comptroller General as to the legal ineligibility for Federal aid of facilities of the type involved for an airport such as the Clayton Municipal Airport. However, the committee is of the opinion that the town of Clayton was justified in relying on the determination and advice of the CAA as to the eligibility of the facilities in this case, particularly in view of the fact that it was made known to the town that the Washington or principal office of the agency had made the determination that the facilities were eligible. It is, therefore, the view of your committee that under all of the pertinent circumstances the town of Clayton, as a matter of equity, is entitled to receive the appropriate Federal share of the costs of construction of the auditorium wing of the administration building and of the swimming pool-reservoir which were disallowed pursuant to the Comptroller General's ruling of June 4, 1952.

The town's claim includes certain other costs which were disallowed by the CAA as not meeting the requirements of the Federal Airport Act for reasons other than the ineligibility of the swimming pool-reservoir and auditorium. Such costs do not relate to the construction of those two facilities. Those items of disallowed costs are listed in the letter of July 12, 1955, from the Administrator of Civil Aeronautics (exhibit A) as items (1) through (5). On the basis of the cost-and-grant computations set forth in this letter your committee is of the opinion that the town of Clayton should be relieved of liability to refund to the United States the $12,909.90 claimed to be due the United States from the town under the grant agreement of June 29, 1949, and that the town should be paid out of funds appropriated under the Federal Airport Act an additional $4,186.18. To accomplish this objective the committee recommends that the bill S. 218, as amended, do pass.

COMMITTEE AMENDMENT

The amendment to the bill, which the committee has approved, is considered necessary in order to avoid any question as to the amount of the additional payment which would be due and payable to the town of Clayton upon enactment of a bill such as S. 218 as introduced.

In that form, section 2 of the bill would have merely directed the Administrator of Civil Aeronautics to pay—

> an amount equal to 56.90 per centum of the total project costs incurred by such town for airport development under contract numbered C4ca–5800, less any amounts heretofore paid by the Administrator to such town under such contract.

This language might be construed to require that the town be paid the prescribed Federal share of the five items of cost which, as previously noted, the committee believes should continue to be considered unallowable as project costs. Consequently, the committee has approved an amendment to section 2 of the bill which specifies the exact amount to be paid the town as the final payment due and owing under the grant agreement, that amount being, as previously noted, $4,186.18.

EXHIBIT A

DEPARTMENT OF COMMERCE,
CIVIL AERONAUTICS ADMINISTRATION,
Washington, July 12, 1955.

Hon. A. S. MONRONEY,
Chairman, Aviation Subcommittee,
Interstate and Foreign Commerce Committee,
United States Senate, Washington, D. C.

DEAR SENATOR MONRONEY: In accordance with a request made by Mr. Edward Sweeney, of your staff, I am glad to give you the following information concerning the project for development of the Clayton Municipal Airport, Clayton, N. Mex., which is the subject of the bill S. 218.

The Comptroller General's decision relative to that project required the Department of Commerce to determine, and disallow as project costs: (1) that portion of the cost of constructing the auditorium included in the project which was in excess of the estimated cost of contructing a wing of the airport administration building designed for use as a pilots' lounge and briefing room of a size and type adequate for such airport purposes at the Clayton Municipal Airport; and (2) that portion of the cost of constructing the combination swimming pool-fire reservoir included in the project which was in excess of the estimated cost of "an ordinary reservoir of a size and type adequate for fire-protection purposes at the Clayton Municipal Airport."

Accordingly, the Civil Aeronautics Administration determined that the administration building could have been constructed with an adequate pilots' lounge but without the auditorium at a cost of $43,031.53, which amount, when deducted from the actual cost of the building as constructed, $66,819.78, left an ineligible cost of $23,788.25. Similarly, it was determined that an adequate fire reservoir could have been constructed at a cost of $14,513, which amount, when deducted from the actual cost of the swimming pool-reservoir as built, $20,550.59, left an ineligible cost of $6,037.59. Thus, totaling these 2 amounts, the total amount found to be ineligible as a result of the Comptroller General's decision was $29,825.84.

In addition, this agency had previously determined that 6 items of cost which had been charged against the project, totaling $2,309.18, were unallowable as project costs and therefore should not be included in the grant base. These items of cost, and the reasons for disallowing them, are as follows:

Item	Amount	Reason for disallowance
1. Gas pump	$406.80	Work not included in project.
2. Salary of town clerk	869.11	Regular salary, cost not directly related to project.
3. 595 feet of pipe (indicated as waste or breakage)	696.15	Not supported by record evidence.
4. Legal expense (acquisition of property and assessment of curb and gutter liens).	92.00	Not related to the project.
5. Discount on insurance premiums	25.12	Should have been deducted from total insurance premium.
6. Bond expense on swimming-pool bonds	220.00	Not considered a cost necessary to accomplishment of the project.
Total	2,309.18	

Accordingly, following the Comptroller General's decision, it was determined that the total of the costs unallowable as project costs under the Clayton grant agreement was $32,135.02, and therefore, in computing the total allowable project costs that amount was deducted from the total costs of the project as audited by the Civil Aeronautics Administration, amounting to $157,546.48, resulting in a total of $125,411.46. Using that amount as the grant base, the Federal share of the allowable costs of the project (which is stated in the grant agreement to be 56.9 percent) was computed to be $71,359.12.

At that time, however, partial payments had already been made to the town of Clayton under the grant agreement in a total amount of $84,269.02, representing approximately 90 percent of the then-estimated costs of the entire project, including the costs of the auditorium and swimming pool-reservoir. Consequently, it appeared that overpayments had been made to the town in the total amount of $12,909.90 and demand therefore was made on the town for repayment of that amount.

It is my understanding that your subcommittee would also like to have our views as to the additional amount which should be made payable to the town of Clayton if the subcommittee's decision is to report the bill S. 218 in such form as to require that the costs incurred by the town in constructing the auditorium and swimming pool-reservoir be considered allowable project costs. That amount in our opinion should be $4,186.18.

This figure is arrived at by: (1) deducting from the total audited cost of $157,546.48 only the first 5 of the 6 disallowed items of cost listed above, totaling $2,089.18, resulting in a grant base of $155,457.30; (2) computing the Federal share of that amount by multiplying it by 56.9 percent, the result being $88,455.20; and (3) subtracting from that amount the total amount of partial payments made to the town, $84,269.02. The result, $4,186.18, is the amount which in our opinion should be paid to the town as the final payment due under the grant agreement, in the event that legislation is enacted making the costs of the auditorium and swimming pool-reservoir allowable project costs.

It will be noted that this computation treats as an allowable project cost the $220 cost incurred in issuing bonds to finance the town's portion of the cost of constructing the swimming pool-fire reservoir, which is listed above as item 6 of the items of cost disallowed by the Civil Aeronautics Administration prior to referral of this matter to the Comptroller General. Being an incidental cost incurred in connection with the construction of the swimming pool, it is believed that this cost should be considered allowable if the costs of that construction are to be so considered.

However, our computation still treats as unallowable project costs the other 5 items of cost listed above as having previously been disallowed, totaling $2,089.18. The reason is that those items of cost do not relate to the construction of the auditorium and swimming pool-reservoir and are considered unallowable under the Federal Airport Act for reasons having nothing to do with allowability or eligibility of the costs of constructing those two facilities.

It is hoped that the above will give you the information desired for use by the Aviation Subcommittee in connection with its consideration of the bill S. 218. If we can be of any other assistance in this regard, please advise.

Sincerely yours,

C. J. LOWEN,
Acting Administrator of Civil Aeronautics.

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Calendar No. 889

84TH CONGRESS, 1st Session } SENATE { REPORT No. 882

PROVIDING PREFERENCE RIGHT TO CERTAIN LAND IN ALASKA TO JOSEPH BOOTH, OF ANCHORAGE, ALASKA

JULY 18, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 896]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 896) to provide preference right to certain land in Alaska to Joseph Booth, of Anchorage, Alaska, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H. R. 896 would permit Mr. Joseph R. Booth, of Anchorage, Alaska, to obtain title to specifically described lands on which he has fulfilled all homestead requirements, but which were not open to such entry because of a recent law.

All mineral rights are reserved to the Territory of Alaska. Since the lands on which the homestead entry would be allowed are Alaska school lands, the Territory is authorized to make in lieu selections of other lands.

At a hearing on the measure the committee received testimony that both Mr. Booth and the administrative officials who allowed him to enter on the land and perform the work required acted in good faith. The error arose from failure to appreciate immediately the effects of Public Law No. 270, 82d Congress (66 Stat. 14), which eliminated the restrictions in the then existing law under which lands known to be mineral in character could not become school lands.

This situation now has been corrected, the committee is informed. If Mr. Booth is not permitted to secure title to his homestead, he will lose all of the work he has performed and be deprived of the improvements he has made. H. R. 896 gives him equitable relief.

Both the Department of the Interior and the Delegate from Alaska, Hon. E. L. Bartlett, recommend enactment of the measure, and the committee's favorable report is unanimous.

EXECUTIVE AGENCY REPORT

The report of the Department of the Interior to the House Interior Committee is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 27, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 896, a bill to provide preference right to certain land in Alaska to Joseph Booth of Anchorage, Alaska, and for other purposes.

I recommend that this bill be enacted if amended as suggested below.

H. R. 896 would open to homestead entry under the appropriate public land laws the south half northwest quarter, south half northeast quarter of section 36, township 3 south, range 15 west, Seward meridian, and would give Mr. Booth a preference right of entry on that land released to be considered as part of his homestead application, Anchorage serial 023958. The Territory of Alaska would be allowed to select other land in lieu of that released.

The land which would be opened to homestead entry under this bill is Territorial school land classified as valuable for minerals. The act of March 5, 1952 (66 Stat. 14), eliminated the former restrictions in law which prevented the reservation of school sections for the Territory if they were mineral in character. Mr. Booth made application for a homestead entry which was within a mineral school section. Being unaware of the significance of the 1952 act, local officials of the Bureau of Land Management erroneously allowed the application. The error was discovered only after the entryman had proceeded with the development of his homestead, and, since the school section lands by law are reserved for the Territory, the Department cannot provide administrative relief to this entryman who relied on the Bureau's erroneous action.

Field examination indicates that Mr. Booth has complied with the homestead laws with respect to his entry. If he is not permitted to secure title to his homestead located on the school lands, he will be deprived of the values for which he has been working. H. R. 896 would give him equitable relief.

Since the selection of lands in lieu of other lands is ordinarily limited to the selection of nonmineral lands, it is recommended that H. R. 896 be amended to provide that all mineral rights in the lands released under this bill are reserved to the Territory of Alaska. This may be achieved by inserting, following "laws" in line 6, page 1, the following: "but all entries the patents hereunder shall be subjected to a reservation to the Territory of Alaska of all minerals in the lands so entered and patented, and all minerals so reserved shall be subject to disposition under the same laws as other minerals reserved to the Territory."

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

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Calendar No. 890

84TH CONGRESS, 1st Session } SENATE { REPORT No. 883

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PROVIDING PREFERENCE RIGHT TO CERTAIN LAND IN ALASKA TO ROBERT HENRY SOYK, OF KENAI, ALASKA

JULY 18, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 897]

The Committee on Interior and Insular Affairs to whom was referred the bill (H. R. 897) to provide preference right to certain land in Alaska to Robert Henry Soyk of Kenai, Alaska, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

This bill corrects an administrative error whereby Mr. Robert Henry Soyk of Kenai, Alaska, was allowed to make homestead entry on land located within a school section and thereby reserved to the Territory of Alaska, although mineral in character.

At a hearing on the bill, the committee was assured that Mr. Soyk has complied with the homestead requirements in good faith. Both the Delegate from Alaska, Hon. E. L. Bartlett, and the Department of the Interior recommend that H. R. 897 be enacted so that Mr. Soyk may obtain title to the land. Without this legislation he would lose the improvements and values for which he has been working.

The territory of Alaska would be allowed to select other land in lieu of that released to Mr. Soyk, and mineral rights are reserved to the Territory.

The committee is assured that the circumstances which resulted in the administrative error making this legislation necessary has been corrected.

EXECUTIVE AGENCY REPORT

The favorable report of the Department of the Interior to the House Interior Committee is set forth below in full. The amendment recommended was adopted in the House and the Senate has concurred.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 27, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 897, a bill to provide preference right to certain land in Alaska to Robert Henry Soyk of Kenai, Alaska, and for other purposes.

I recommend that this bill be enacted if amended as suggested below.

H. R. 897 would open to homestead entry under the appropriate public land laws the east half southeast quarter of section 36, township 3 south, range 15 west, Seward meridian, and would give Mr. Soyk a preference right of entry on that land released to be considered as part of his homestead application, Anchorage serial 022329. The Territory of Alaska would be allowed to select other land in lieu of that released.

The land which would be opened to homestead entry under this bill is Territorial school land classified as valuable for minerals. The act of March 5, 1952 (66 Stat. 14), eliminated the former restrictions in law which prevented the reservation of school sections for the Territory if they were mineral in character. Mr. Soyk made application for a homestead entry which embraced in part a mineral school section. Being unaware of the significance of the 1952 act, local officials of the Bureau of Land Management erroneously allowed the application in its entirety. The error was discovered only after the entryman had proceeded with the development of his homestead, and, since the school section lands by law are reserved for the Territory, the Department cannot provide administrative relief to this entryman who relied on the Bureau's erroneous action.

Field examination indicates that Mr. Soyk has complied with the homestead laws with respect to his entry. If he is not permitted to secure title to that portion of his homestead located on the school lands, he will be deprived of the values for which he has been working. H. R. 897 would give him equitable relief.

Since the selection of lands in lieu of other lands is ordinarily limited to the selection of nonmineral lands, it is recommended that H. R. 897 be amended to provide that all mineral rights in the lands released under this bill are reserved to the Territory of Alaska. This may be achieved by inserting, following "laws" in line 5, page 1, the following: "but all entries and patents hereunder shall be subject to the reservation to the Territory of Alaska of all minerals in the lands so entered and patented, and all minerals so reserved shall be subject to disposition under the same laws as other minerals reserved to the Territory."

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

Enactment of H. R. 897 is unanimously recommended by the Committee on Interior and Insular Affairs.

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Calendar No. 891

84TH CONGRESS, 1st Session | SENATE | REPORT No. 884

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PROVIDING PREFERENCE RIGHT TO CERTAIN LAND IN ALASKA TO PATRICK HAROLD JOHNSON OF ANCHOR POINT, ALASKA

JULY 18, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 902]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 902) to provide preference right to certain land in Alaska to Patrick Harold Johnson of Anchor Point, Alaska, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H. R. 902 would correct an administrative error whereby Mr. Patrick Harold Johnson, of Anchor Point, Alaska, was allowed to make homestead entry on land located within a school section and thereby reserved to the Territory of Alaska, even though mineral in character.

Mineral rights are reserved to the Territory, and the Territory would be allowed to select other land in lieu of that released to Mr. Johnson.

At the hearing, the committee was informed that Mr. Johnson has complied with the homestead requirements in good faith. The Department of the Interior and the Alaskan Delegate, Hon. E. L. Bartlett, recommend that H. R. 902 be enacted so that he may be given title to the land. Without this legislation Mr. Johnson would lose the improvements and values for which he has been working.

EXECUTIVE AGENCY REPORT

The favorable report of the Department of the Interior to the House Interior Committee is set forth below in full:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 27, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 902, a bill to provide preference right to certain land in Alaska to Patrick Harold Johnson, of Anchor Point, Alaska, and for other purposes.

I recommend that this bill be enacted if amended as suggested below.

H. R. 902 would open to homestead entry under the appropriate public land laws the W½NW¼ sec. 36, T. 4 S., R. 15 W., Seward meridian, and would give Mr. Johnson a preference right of entry on that land released to be considered as part of his homestead application, Anchorage serial 021580. The Territory of Alaska would be allowed to select other land in lieu of that released.

The land which would be opened to homestead entry under this bill is Territorial school land classified as valuable for minerals. The act of March 5, 1952 (66 Stat. 14), eliminated the former restrictions in law which prevented the reservation of school sections for the Territory if they were mineral in character. Mr. Johnson made application for a homestead entry which embraced in part a mineral school section. Being unaware of the significance of the 1952 act, local officials of the Bureau of Land Management erroneously allowed the application in its entirety. The error was discovered only after the entryman had proceeded with the development of his homestead, and, since the school section lands by law are reserved for the Territory, the Department cannot provide administrative relief to this entryman who relied on the Bureau's erroneous action.

Field examination indicates that Mr. Johnson has complied with the homestead laws with respect to his entry. If he is not permitted to secure title to that portion of his homestead located on the school lands, he will be deprived of the values for which he has been working. H. R. 902 would give him equitable relief.

Since the selection of lands in lieu of other lands is ordinarily limited to the selection of nonmineral lands, it is recommended that H. R. 902 be amended to provide that all mineral rights in the lands released under this bill are reserved to the Territory of Alaska. This may be achieved by inserting, following "laws" in line 5, page 1, the following: "but all entries and patents hereunder shall be subject to a reservation to the Territory of Alaska of all minerals in the lands so entered and patented, and all minerals so reserved shall be subject to disposition under the same laws as other minerals reserved to the Territory".

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

Enactment of H. R. 902 is unanimously recommended by the Committee on Interior and Insular Affairs.

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Calendar No. 892

84TH CONGRESS, 1st Session | SENATE | REPORT No. 885

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PROVIDING PREFERENCE RIGHT TO CERTAIN LAND IN ALASKA TO BERT ARTHUR PARADAY OF ANCHOR POINT, ALASKA

JULY 18, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 904]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 904) to provide preference right to certain land in Alaska to Bert Arthur Paraday, of Anchor Point, Alaska, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF BILL

H. R. 904 is a bill to do equity to Mr. Bert Arthur Paraday, of Anchor Point, Alaska, by permitting him to obtain title to the lands in Alaska on which he has fulfilled all homestead requirements. However, the lands are in an Alaska school section, although mineral in character. As school lands, they are not open to homestead entry.

Under Public Law 270, 82d Congress, the fact that lands are mineral in character does not prevent their being school lands, as was the case previously.

Mineral rights in the lands released by H. R. 904 are reserved to the Territory. Also, the Territory is authorized to select other lands in lieu of those that will be in Mr. Paraday's homestead.

EXECUTIVE AGENCY REPORT

The favorable report of the Department of the Interior to the House Committee on Interior and Insular Affairs is set forth below in full.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 27, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 904, a bill to provide preference right to certain land in Alaska to Bert Arthur Paraday of Anchor Point, Alaska, and for other purposes.

I recommend that this bill be enacted if amended as suggested below.

H. R. 904 would open to homestead entry under the appropriate public land laws the northwest quarter southwest quarter, northeast quarter southwest quarter of section 36, township 4 south, range 15 west, Seward meridian, and would give Mr. Paraday a preference right of entry on that land released to be considered as part of his homestead application, Anchorage serial 025260. The Territory of Alaska would be allowed to select other land in lieu of that released.

The land which would be opened to homestead entry under this bill is Territorial school land classified as valuable for minerals. The act of March 5, 1952 (66 Stat. 14), eliminated the former restrictions in law which prevented the reservation of school sections for the Territory if they were mineral in character. Mr. Paraday made application for a homestead entry which embraced in part a mineral school section. Being unaware of the significance of the 1952 act, local officials of the Bureau of Land Management erroneously allowed the application in its entirety. The error was discovered only after the entryman had proceeded with the development of his homestead, and, since the school section lands by law are reserved for the Territory, the Department cannot provide administrative relief to this entryman who relied on the Bureau's erroneous action.

Field examination indicates that Mr. Paraday has complied with the homestead laws with respect to his entry. If he is not permitted to secure title to that portion of his homestead located on the school lands, he will be deprived of the values for which he has been working. H. R. 904 would give him equitable relief.

Since the selection of lands in lieu of other lands is ordinarily limited to the selection of nonmineral lands, it is recommended that H. R. 904 be amended to provide that all mineral rights in the lands released under this bill are reserved to the Territory of Alaska. This may be achieved by inserting, following "laws" in line 6, page 1, the following: "but all entries and patents hereunder shall be subject to a reservation to the Territory of Alaska of all minerals in the lands so entered and patented, and all minerals so reserved shall be subject to disposition under the same laws as other minerals reserved to the Territory."

The land description in H. R. 904 is correct, but it would be more concisely stated if the words "northwest quarter southwest quarter, northeast quarter southwest quarter", lines 3 to 4, page 1, where deleted and "north half southwest quarter" were substituted therefor.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

The amendments recommended by the Interior Department have been adopted, and enactment of H. R. 904 is unanimously recommended by the Committee on Interior and Insular Affairs.

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Calendar No. 893

84TH CONGRESS, 1st Session } SENATE { REPORT No. 886

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PROVIDING PREFERENCE RIGHT TO CERTAIN LAND IN ALASKA TO CARL E. ROBINSON OF ANCHOR POINT, ALASKA

JULY 18, 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 905]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 905) to provide preference right to certain land in Alaska to Carl E. Robinson of Anchor Point, Alaska, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H. R. 905 corrects an administrative error whereby Mr. Carl E. Robinson of Anchor Point, Alaska, was allowed to make homestead entry on land located within a mineral school section which by law enacted in 1952 became reserved to the Territory of Alaska.

At the hearing, the committee received testimony that Mr. Robinson has complied with the homestead requirements in good faith. Both the Delegate to Congress from Alaska, Hon. E. L. Bartlett, and the Department of the Interior recommend that H. R. 905 be enacted so that Mr. Robinson may obtain title to the land. Without this legislation he would lose the improvements and values for which he has been working.

The Territory of Alaska would be allowed to select other land in lieu of that released to Mr. Robinson, and mineral rights are reserved to the Territory.

REPORT OF EXECUTIVE AGENCY

The favorable report of the Department of the Interior to the House Committee on Interior and Insular Affairs is set forth below in full.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 27, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 905, a bill to provide preference right to certain land in Alaska to Carl E. Robinson of Anchor Point, Alaska, and for other purposes.

I recommend that this bill be enacted if amended as suggested below.

H. R. 905 would open to homestead entry under the appropriate public land laws the north half northwest quarter, north half northeast quarter of section 36, township 3 south, range 15 west, Seward meridian, and would give Mr. Robinson a preference right of entry on that land released to be considered as part of his homestead application, Anchorage serial 023957. The Territory of Alaska would be allowed to select other land in lieu of that released.

The land which would be opened to homestead entry under this bill is Territorial school land classified as valuable for minerals. The act of March 5, 1952 (66 Stat. 14), eliminated the former restrictions in law which prevented the reservation of school sections for the Territory if they were mineral in character. Mr. Robinson made application for a homestead entry which embraced in part a mineral-school section. Being unaware of the significance of the 1952 act, local officials of the Bureau of Land Management erroneously allowed the application in its entirety. The error was discovered only after the entryman had proceeded with the development of his homestead, and, since the school section lands by law are reserved for the Territory, the Department cannot provide administrative relief to this entryman who relied on the Bureau's erroneous action.

Field examination indicates that Mr. Robinson has complied with the homestead laws with respect to his entry. If he is not permitted to secure title to that portion of his homestead located on the school lands, he will be deprived of the values for which he has been working. H. R. 905 would give him equitable relief.

Since the selection of lands in lieu of other lands is ordinarliy limited to the selection of nonmineral lands, it is recommended that H. R. 910 be amended to provide that all mineral rights in the lands released under this bill are reserved to the Territory of Alaska. This may be achieved by inserting, following "laws" in line 6, page 1, the following: "but all entries and patents hereunder shall be subject to a reservation to the Territory of Alaska of all minerals in the lands so entered and patented, and all minerals so reserved shall be subject to disposition under the same laws as other minerals reserved to the Territory."

The land description in H. R. 905 is correct, but it would be more concisely stated if the words "north half northwest quarter, north half northeast quarter", lines 3 to 4, page 1, were deleted and "north half north half" were substituted therefor.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

The amendments recommended by the Interior Department have been adopted, and enactment of H. R. 905 is unanimously recommended by the Committee on Interior and Insular Affairs.

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Calendar No. 896

84TH CONGRESS, 1st Session | SENATE | REPORT No. 889

MANUEL RODRIGUES

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 189]

The Committee on the Judiciary, to which was referred the bill (S. 189) for the relief of Manuel Rodrigues, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Manuel Rodrigues. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 59-year-old native and citizen of Portugal who entered the United States at New York on January 6, 1941, as a stowaway. He resides in Newark, N. J., and his assets consist of a restaurant business and a rooming house. He sends $300 monthly to his wife and 5 children who reside in Portugal and are citizens of that country. The beneficiary's application for suspension of deportation was approved by the Attorney General. However, Congress failed to act affirmatively on the recommendation as required by law. The beneficiary's parents are deceased. He has one brother who is a United States citizen.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 189) for the relief of Manuel Rodrigues, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota of Portugal.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MANUEL RODRIGUES, BENEFICIARY OF S. 189

The beneficiary is also known as Manuel Antonio Rodrigues. He was born in Vale, Portugal, on August 10, 1895. He entered the United States at New York, N. Y., on January 6, 1941, as a stowaway. Deportation proceedings were subsequently instituted against the beneficiary and during the course of such proceedings he applied for adjustment of his immigration status through the suspension of deportation procedure. Although his application was approved by this Service and his case was referred to the Congress as required under the applicable statute, no action was taken thereon by the Congress. Subsequent to the return of his case to this Service, the beneficiary was granted the privilege of departing from the United States voluntarily. However, he has not as yet availed himself of this privilege.

The beneficiary is married. His wife and five children are citizens of Portugal and reside in Maria, Portugal. His assets consists of a restaurant business and a rooming house valued at $5,000. He states his income from this business is $600 monthly and that he sends $300 monthly to his wife and children for their support. He has no formal education. The beneficiary's parents are deceased. He has one brother in the United States who is a United States citizen. The beneficiary resides at 38 Jefferson Street, Newark, N. J. No one in the United States is dependent on him for support.

The beneficiary was convicted at Elizabeth, N. J., on March 11, 1948, of possession of illicit liquor and fined $100.

Senator H. Alexander Smith, the author of the bill, submitted the following letter in connection with the case:

NEWARK, N. J., *December 28, 1954.*

Hon. H. ALEXANDER SMITH,
United States Senator from New Jersey,
Senate Office Building, Washington, D. C.
(Attention Mr. Herman.)

DEAR SIR: I am writing to you at the suggestion of our mutual friend, Fred Onore.

To come right to the point, I am hoping that the Senator, after being familiarized with the contents of this letter, will be able to see his way clear to introducing a private bill to suspend the deportation of an alien who is now in this country illegally. I would like to say that although I have specialized in immigration matters for a number of years, and have represented many, many aliens, I do not, and never have made it a practice to apply to our Senators and Representatives for special consideration; I try to help these poor souls within the framework of existing statutes and by normal administrative procedure. I have always felt that an alien is not entitled to consideration beyond the limits of existing statutes, unless very special and unusual facts exist. I am seeking the Senator's aid in

this case only because I do sincerely feel that the facts of the case do warrant special consideration.

The gentleman I represent is 60 years of age, a native of Portugal. He entered the United States in January 1941, 14 years ago, and has remained here since then. He worked hard, saved some money, and then invested his last nickel in the purchase of a roominghouse business here in Newark, which he is now operating. His record, insofar as conduct and behavior are concerned, is without blemish.

Because his entry in January 1941 was illegal, a deporation proceeding was instituted against him. This was prior to the McCarran Act, and the provisions of section 19 (c) of the act of 1917, as amended, applied to his case. As you are aware, said section 19 (c) provided that the deportation of an alien residing in the United States more than 7 years could be suspended if the Attorney General recommended same to the Congress and Congress approved said recommendation by concurrent resolution. In this case, the Attorney General, after holding a hearing and after conducting his usual exhaustive investigation, concluded that this alien was deserving of the relief of suspension of deportation, and the Attorney General did recommend same to the Congress. However, Congress failed to approve said recommendation, and, this means that, as matters now stand, this man must leave the United States.

On the basis of what I have learned through my experience and observation, I am sure that this statement is justified: When the Senate Subcommittee on Immigration first started processing these cases, it adopted a very strict and stringent policy. Although section 19 (c) provided for the granting of relief to those residing here over 7 years, and whose deportation would result in "serious economic detriment," the subcommitte's policy was so strict that the fact that an alien had been residing in the United States for some 12 years or so, and had invested everything he owned in a business which he would lose if deported, was not considered sufficient to warrant approval of the favorable recommendation of the Attorney General. It was because of this strict policy of the subcommittee that was then in effect that this alien's case was not approved.

Later, however, after failing to approve this case, the subcommittee's policy became more liberal. I can point to two cases in my own office where the aliens had been residing in the United States for much shorter periods; in fact, barely had the minimum of 7 years; they also had bought small businesses; they were much younger, being in their forties; they had no wives, children or other family ties in this country; yet, under its liberalized policy, the Congress did approve suspension in those cases.

You will note that the subject of this letter is an elderly man, and has resided in the United States longer than the two individuals I mention above. The hardship to him, if he is deported, is obviously much greater than it would be to these other two. Yet, relief has been denied to the older man, the man with longer residence, the man who will suffer the greater hardship; and relief has been granted to the two who are younger, who have lived here a shorter time. The difference in the disposition of the case of the older man, on the one hand, and the cases of the two younger men, on the other hand, is due solely to a shift in the subcommittee's policy. If only this man's case had been sent to the Congress by the Attorney General, I am virtually certain that his case would have received the same favorable consideration that the two other cases received.

It seems to me that in the administration of our laws, the same yardstick should be applied to all—cases involving the same facts should be acted upon in the same way. Yet, here we have three cases, to which the same yardstick was not applied; on the contrary, the decisions in these cases turned entirely upon the time that the case was presented to the Congress. The point I am trying to make is that the dreadful tragedy of deportation is about to befall this man solely because his case was presented to the Congress at the wrong time. It seems to me a harsh and terrible thing that the course of a man's life must be tragically altered by this mere matter of timing.

The man on whose behalf I am making this plea is named Manuel Rodrigues; he resides at 38 Jefferson Street, Newark, N. J. He is 60 years of age. If he were younger, I would not be troubling you about him; for a younger man could manage, somehow, to obtain employment in another country and sustain himself. But, at his age, there is little prospect of his being able to obtain employment in Portugal; deportation, in his case, would truly mean extreme and severe hardship in the last years of his life.

I will greatly appreciate your presenting this matter to the Senator.

This man's time is up January 7, 1955. If the Senator can see his way clear to introducing a bill, it must be done as soon as Congress reconvenes.

If at all possible, please let me hear from you within the next few days so that I can guide Mr. Rodrigues in his plans.

Thanking you, I am,

Yours very truly,

MILTON S. KRAMER,
Attorney at Law.

P. S.—The immigration file number is, A4997735. Please do not hesitate to phone me collect.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 189) should be enacted.

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Calendar No. 897

84TH CONGRESS, 1st Session | SENATE | REPORT No. 890

DR. AND MRS. HSI-LIN TUNG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 194]

The Committee on the Judiciary, to which was referred the bill (S. 194) for the relief of Dr. and Mrs. Hsi-Lin Tung, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. and Mrs. Hsi-Lin Tung. The bill provides for the appropriate quota deductions and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiaries of the bill are a Chinese couple who met and married in the United States. The male beneficiary is a 30-year-old British subject who entered the United States at Honolulu, T. H., on July 14, 1948, as a visitor for business for 6 months destined to Garfield Memorial Hospital, Washington, D. C., as an intern. He has served internships at various hospitals in the United States and is presently employed as resident surgeon at the Uncas-on-Thames Sanitorium, which is affiliated with the Medical School of Yale University. The female beneficiary is also a physician by profession and is a 28-year-old citizen of Portugal. She served a rotating internship at four Connecticut hospitals from 1949 to 1953. Her only entry into the United States was at Honolulu, T. H., on May 30, 1949, when she was admitted as a visitor for business destined to the Bridgeport Hospital, Conn., as an intern. The beneficiaries have a 2-year-old son born in New Haven, Conn.

A letter, with attached memorandum, dated June 28, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 28, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 194) for the relief of Dr. and Mrs. Hsi-Lin Tung, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Hartford, Conn., office of this Service which has custody of those files.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiaries are chargeable to the quota for the Chinese.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. AND MRS. HSI-LIN TUNG, BENEFICIARIES OF S. 194

Dr. Hsi-Lin Tung, also known as Arthur Chien Chung Tung or Tung Sik Lam or Sik Lam Tung, is a British subject of the Chinese race. He was born at Hong Kong on November 12, 1924. He married Ruth Min Kwong-Leung at New Haven, Conn., on June 16, 1951, and has two children, Arthur C., born at New Haven, July 1, 1953, and Paul C., born at New London, Conn., on February 23, 1955. The alien is a resident thoracic surgeon at Uncas-on-Thames, a State tubercular sanitorium at Norwich, Conn., at a salary of $5,000 a year plus board and lodging for himself and family. The beneficiary has a savings account in the amount of $4,900, jewelry valued at $1,000, and clothing and personal effects valued at $500. He attended Ping Ching Middle School in Canton, China, from 1933 to 1937; Lingnan University Middle School, Canton, from 1937 to 1943, and Hsing-Ya (Yale in China) Medical School and Medical College at Changsha, Provicce of Hunan, from 1943 to 1948, where he received his degree of doctor of medicine. From 1948 to 1951, Dr. Tung served a rotating internship at the following hospitals: Garfield Memorial, Washington, D. C., 1948–49; surgical intern in Albany Hospital, Albany, N. Y., 1949–50; intern in pathology, Yale Medical School, New Haven, 1950–51. From July 1951, to June 1954, he was an assistant resident in surgery at St. Raphael's Hospital and New Haven Hospital, at New Haven, Conn., under the auspices of the Yale University School of Medicine. The alien has two sisters in the United States, one of whom is a naturalized citizen, and the other, a nonimmigrant student. His father, mother, and only brother reside in Hong Kong.

Mrs. Hsi-Lin Tung, also known as Ruth Min-Kwong Leung Tung, nee Leung, is a citizen of Portugal of the Chinese race, who was born at Macao on July 15, 1923. She is a physician by profession and lives with her husband and children at Uncas-on-Thames. The female beneficiary received her medical degree from the Hsing-Ya Medical School in Changsha, China, where she studied from 1943 to 1949. She also attened the True Light Middle School at Hong Kong from 1938 to 1942, and Lingnan University Middle School at Canton from 1942 to 1943. From 1949 to 1953, Mrs. Tung served a rotating internship at the following hospitals in Connecticut: Bridgeport Hospital, Bridgeport, 1949–50; St. Mary's Hospital, Waterbury, 1950–51; St. Raphael's Hospital, New Haven, 1951–52; and New Haven Hospital, New Haven, 1952–53. The alien's father and mother reside in Hong Kong, and her only brother, a naturalized citizen of the United States, lives in Washington, D. C.

The male beneficiary's only entry to the United States occurred at Honolulu, T. H., on July 14, 1948. He was admitted as a nonimmigrant visitor for business for 6 months destined to Garfield Memorial Hospital as an intern. On February 6, 1953, his status was changed to that of a nonimmigrant student so

he could continue his medical studies in this country. This alien accepted full-time employment as a surgeon on July 1, 1954. Deportation proceedings were instituted on July 22, 1954, on the ground that, after admission to this country as a visitor for business and a subsequent change of status to that of a nonimmigrant student, the beneficiary failed to comply with the conditions of such status. At a hearing held on November 3, 1954, the charge in the warrant of arrest was sustained, and an order entered granting the alien voluntary departure, and, if he failed to depart, that he be deported.

Mrs. Tung's only entry to the United States occurred at Honolulu, T. H., on May 30, 1949. She was admitted as a nonimmigrant visitor for business, destined to the Bridgeport Hospital as an intern. The alien was last granted an extension of stay on April 19, 1954, to expire on March 9, 1955. Deportation proceedings were instituted on March 3, 1955, on the ground that after admission to the United States as a visitor for business, she failed to comply with the conditions of her status. At a hearing held on May 12, 1955, the charge in the warrant of arrest was sustained, and an order entered granting her voluntary departure, and, if she failed to depart, that she be deported.

There appears to be no administrative relief available in these cases. Dr. Gustaf E. Lindskog, professor of surgery at the Yale School of Medicine, is the person primarily interested in the bill. Private bill S. 3579 was introduced in the 1st session of the 83d Congress on June 8, 1954, for the relief of the male beneficiary only.

Senator Prescott Bush, the author of the bill, has submitted the following information in connection with the case:

GRACE-NEW HAVEN COMMUNITY HOSPITAL,
New Haven Conn., May 13, 1955.

CHAIRMAN,
SENATE SUBCOMMITTEE ON IMMIGRATION,
Washington, D. C.

DEAR SIR: It is our understanding that Senator Bush has introduced a private bill through your committee recommending that Dr. Hsi-Lin Tung, presently residing in Norwich, Conn., be allowed to take out first citizenship papers.

Dr. Tung is well known to us at the Yale Medical Center. During a long association with him we have come to regard him highly, not only as a physician who is conscientious and intelligent, but as an individual who is honest and of high moral character.

We the undersigned, members of the resident staff of Yale Medical Center, would be proud to have Dr. Tung as a fellow citizen of the United States of America.

Harold Stern, M. D.; Thomas A. Ray, M. D.; Richard N. de Niord, Jr., M. D.; Harold Charles Speer, M. D.; Sidney U. Paly, M. D.; Felix A. McParland, M. D.; Charles L. Pickereel, M. D.; Arthur J. Donovan, M. D.; Merrill J. Feldman, M. D.; Donald M. Pearlman, M. D.; Georgina Y. Goodwin, M. D.; Thomas M. McNeill, M. D.; Robert J. Williamson.

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
February 1, 1955.

Hon. HARLEY M. KILGORE,
United States Senate,
Washington, D. C.

DEAR SENATOR KILGORE: On January 10 I introduced S. 194, which was referred to your committee, copy of which is attached for your information, for the relief of Dr. and Mrs. Hsi-Lin Tung.

Last year I introduced a similar bill for relief of Dr. Tung, which was S. 3579. However, it was not acted upon before the adjournment of Congress. At that time, I submitted certain information to the Senate Judiciary Committee, which I hope you will review in connection with this legislation.

I refer you to my letter of June 29, 1954, to Senator Arthur B. Watkins, who was then chairman of the Subcommittee on Immigration and Naturalization. With this letter I enclosed letters from Dr. Gustaf E. Lindskog, professor of surgery of the Yale University School of Medicine. I attach herewith a letter

which I received from Dr. Lindskog with regard to my new bill, S. 194. You will note that Dr. Tung continues to justify their interest in him, and he is very hopeful that Dr. Tung may be granted the privilege of permanent residence in the United States.

Sincerely yours,

PRESCOTT BUSH,
United States Senator.

YALE UNIVERSITY SCHOOL OF MEDICINE,
DEPARTMENT OF SURGERY,
New Haven, Conn., January 26, 1955.

Hon. PRESCOTT T. BUSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR BUSH: I am delighted to learn that you have introduced bill S. 194 into the present Congress on behalf of Dr. and Mrs. Hsi-Lin Tung. Dr. Tung has been working very effectively this year as resident surgeon with Dr. Winfield O. Kelley at the Uncas-on-Thames Sanatorium which has a teaching affiliation with the medical school here. He continues to justify our interest in him, and we here sincerely hope that he can be granted the privilege of permanent residence in the United States. We appreciate your continuing interest in this deserving couple.

Sincerely yours,

GUSTAF E. LINDSKOG, M. D.,
Professor of Surgery.

YALE UNIVERSITY SCHOOL OF MEDICINE,
DEPARTMENT OF SURGERY,
New Haven, Conn., May 14, 1954.

Hon. PRESCOTT T. BUSH,
United States Senate,
Washington, D. C.

MY DEAR SENATOR BUSH: I should like to bring to your attention the personal problem which is being encountered by one of my surgical resident staff on the university service of the Grace-New Haven Community Hospital. I refer to Dr. Hsi-Lin Tung, who is Chinese and a British subject, having been born in Hong Kong on November 12, 1924.

Dr. Tung was graduated from the Lingnan University Middle School in Canton, China in 1943 and in 1949 received his doctor of medicine degree from the Yale-in-China Medical College in Changsha, Hunan, China. He arrived in the United States on July 14, 1948, holding a British (Hong Kong) passport with status of temporary visitor. The latter was changed to student status on February 6, 1953. He completed a rotating internship in the Garfield Memorial Hospital, Washington, D. C., in 1949 and a surgical internship in the Albany Hospital on the service of Dr. Eldredge Campbell in 1950. He then came to the New Haven Hospital as an intern in pathology during the year 1950–51. His work was of such high caliber that we were happy to have him join our surgical service as an assistant resident, and he has remained in this capacity for the required 3-year period, 1951–54.

Dr. Tung is married to a physician, and they have one son, 10 months old, born, of course, in this country.

Dr. Tung's predicament is this. By virtue of his early training and his long residency in this country, he has become highly occidentalized. He has completed a long and we believe, a superior type of surgical training. He is not eligible to practice in the British Crown Colony of Hong Kong or similar area. He has the greatest reluctance to return to the Chinese mainland which would mean deferring to the Communist regime and might indeed result in actual physical harm to him and his family. He has no inclination to contribute his talents to the support of the Red regime in China. He would prefer to remain in this country permanently and become an American citizen. He has been afforded opportunities to continue advanced training in several other major clinics or to enter private practice if he can clear his citizenship status. Naturally his medical license depends upon this clearance.

Although Chinese and technically a British subject this young man is in spirit definitely an American. His is a pleasing and honest personality. Professionally of course he is a man without a country until his status can be defined. I hope that we can enlist your interest in this special problem.

Very truly yours,

GUSTAF E. LINDSKOG, M. D.,
Professor of Surgery.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 194) should be enacted.

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Calendar No. 898

84TH CONGRESS, 1st Session | SENATE | REPORT No. 891

MISS CECILE PATRICIA CHAPMAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 293]

The Committee on the Judiciary, to which was referred the bill (S. 293) for the relief of Miss Cecile Patricia Chapman, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable Cecile Patricia Chapman, the daughter of a United States citizen, to enter the United States as a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 16-year-old native of Jamaica. Her mother and father were never married and the father, who contributed very little to her support, is now deceased. The beneficiary's mother holds a responsible position at Howard College in Washington, D. C., and has supported the beneficiary all her life. The beneficiary was placed in a boarding school when her mother came to the United States. The mother was naturalized a citizen of the United States January 12, 1954.

A letter, with attached memorandum, dated June 16, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 293) for the relief of Miss Cecile Patricia Chapman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of these files.

The bill would provide that the beneficiary be held and considered as the legitimate child of her United States citizen mother, Valda Enid Grace Russell.

As the legitimate child of a United States citizen, the beneficiary would be entitled to nonquota status in the issuance of an immigrant visa. She is otherwise chargeable to the Jamaican subquota of the quota for Great Britain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MISS CECILE PATRICIA CHAPMAN, BENEFICIARY OF S. 293

Information concerning the beneficiary was furnished by her mother, Valda Enid Grace Russell, 22 Rhode Island Avenue NE., Washington, D. C.

The beneficiary, Miss Cecile Patricia Chapman, was born on January 28, 1939, at Cave Valley, St. Ann, Jamaica, British West Indies. She is unmarried and presently resides at the Old Rectory, Brown's Town Post Office, Jamaica, British West Indies, wher she attends the St. Hildas Diocesan School. She has never resided in the United States. She is the illegitimate child of Valda Enid Grace Russell and Charles David Chapman, who is alleged to be deceased.

Valda Enid Grace Russell was born on June 1, 1911, in Jamaica, British West Indies, and is a naturalized citizen of the United States. She is employed as a secretary to the registrar of Howard University, Washington, D. C. She has an annual income of $3,376 from salary and $480 from rentals. Her assets consist of an equity of approximately $7,000 in her home, about $300 in savings bonds, and approximately $600 in a savings account. If admitted to the United States, the beneficiary will reside with her and will continue her education.

The beneficiary's mother has 3 brothers and 2 sisters who reside in the United States.

A letter dated December 20, 1954, to Senator William Langer from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, December 20, 1954.

Hon. WILLIAM LANGER,
United States Senate.

DEAR SENATOR LANGER: I refer to your letter of December 9, 1954 (and to the interim telephonic acknowledgment of December 13), concerning the interest of Mrs. Valda E. G. Russell, 22 Rhode Island Avenue NE., Washington, D. C., in the immigrant visa application of her daughter, Miss Cecile Patricia Chapman.

The records of the Visa Office disclose that Miss Chapman is the beneficiary of an approved visa petition according her fourth-preference status within the subquota for Jamaica in the issuance of an immigrant visa. The approved petition was forwarded to the American consulate general at Kingston, Jamaica, on March 29, 1954.

There is no subsequent information available in the Department's files pertaining to Miss Chapman's immigrant visa application. It is assumed, however, that further action on her case is pending the availability of a quota number. Unfortunately, there has been such a heavy registered demand for preference visas under the first, second, and third preference portions of the subquota for Jamaica that fourth-preference numbers under this quota are not presently available for qualified applicants and no indication can be given when such numbers will become available. In the circumstances, it appears that Miss Chapman will encounter a further considerable delay in the issuance of a fourth-preference immigrant visa under the subquota for Jamaica which is only 100 annually.

It is regretted that I cannot furnish you with more encouraging information. However, as you know, the American consular officer in charge at Kingston cannot take final action on Miss Chapman's immigrant visa application until her turn is reached on the quota waiting list and a number becomes available for her use.

With kind regards,

Sincerely yours,

EDWARD S. MANEY, *Director, Visa Office.*

Senator William Langer, the author of the bill, submitted the following letter in connection with the case:

PETITION

Re Cecile Patricia Chapman, Jamaica, British West Indies

SENATE JUDICIARY COMMITTEE,
Senate Office Building,
Washington, D. C.

GENTLEMEN: I, Valda Enid Grace Russell, an American citizen by naturalization (under date of January 12, 1954), residing at 22 Rhode Island Avenue NE., Washington, D. C., do hereby petition the Senate Judiciary Committee in charge of immigration matters, to introduce a bill to permit my daughter, Cecile Patricia Chapman to join me in the United States because of the following reasons:

1. My daughter will be 16 years old on January 28, 1955, having been born to me at Cave Valley, Saint Ann, Jamaica, British West Indies. She is now at the age where she needs more than ever, a mother's guidance and protection.

2. I came here to reside in the United States on March 28, 1948, because I wished to prepare myself to become an American citizen and in this way, I had hoped that my future in this country would enable me to eventually bring my daughter here to receive her college education. I was also assured by the then American consul in Kingston, Jamaica, British West Indies, that whenever I was prepared to receive my child in the United States, there would be no problem attached thereto.

3. Before leaving Jamaica, I boarded my daughter at Alpha Academy, Kingston, Jamaica. I later transferred her to Mount Saint Joseph Academy, Mandeville, Jamaica, British West Indies, as a boarder, because, Alpha decided only to have day students. For the past 2 years, she has been a student at Saint Hilda's Diocesan High School, Brown's Town, Saint Ann, Jamaica, British West Indies. She expects to sit for the senior Cambridge examination in 1955.

4. I am entirely responsible for the support of my daughter. Her father is dead, and even in his lifetime, contributed very little to her support. Her tuition has always been left entirely to me and she has been attending private schools since the age of 4.

5. During her holidays, my daughter stays with my parents, Mr. and Mrs. Robert J. Russell, Cave Valley, St. Ann. My parents are old and sickly at this time. My father who is 76 years old, suffers from arthritis, and my mother who is 66, has a bad heart and also suffers from high-blood pressure. I know not at what hour they will pass to the beyond. If that happens, my child would then be left entirely with strangers.

6. The immigration laws have been changed since my coming to the United States and with the McCarran Act, it became necessary for me to file a visa petition to have my child join me here.

7. I filed a visa petition No. VP5–15637 on February 16, 1954, and in letter dated March 22, 1954, from the United States Department of Justice, I was advised that said visa petition had been approved by that Service and forwarded to the Department of State for transmission to the appropriate American consul. The American consul in Kingston, Jamaica, British West Indies, wrote my daughter advising her that he had received an approved visa petition No. VP5–15637 from Washington, D. C., and also that she had been given fourth preference.

8. All visa preferences have been exhausted for Jamaica, British West Indies, and the quota established for my child gives her fourth preference. It, therefore, seems remote and impossible that my child will ever be permitted to join me in this country, unless you are good enough to help me.

9. I am quite able to support her in this country and also continue her education on the college level. I have been purchasing our home 22 Rhode Island Avenue, NE., Washington, D. C., since February 15, 1951. These premises are valued around $20,000. My equity in these premises amount to about $8,700. I have

been employed at Howard University, Washington, D. C., since September 1948 as secretary to the registrar. My present salary is $3,376 per annum. I have recently been issued a contract with the Teachers Annuity Insurance Co to take care of my retirement and I have authorized payroll deductions toward the purchase of United States savings bonds. Both my daughter and I are covered by insurance with the Mutual of Omaha Insurance Co. to take care of possible sickness, hospitalization, or surgery.

10. I have worked and sacrificed to make a home for my child and to have her with me here. I am now able to do this only to have my hopes torn down by a clause that gives my child fourth preference and prevents her from joining me. I am an American citizen and I would like her to learn the American way of life and eventually become a citizen of this great country.

I am now asking my country, the United States, through your committee, to assist me in a human problem where my child's destiny is concerned, so that she also may be proud of being an American citizen as I now am.

Respectfully submitted.

VALDA ENID GRACE RUSSELL.

Dated, November 22, 1954.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 293) should be enacted.

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Calendar No. 899

84TH CONGRESS
1st Session

SENATE

REPORT
No. 892

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HAVA SHPAK, A. A. SHPAK, AND SYMPCHA SHPAK

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 332]

The Committee on the Judiciary, to which was referred the bill (S. 332) for the relief of Hava Shpak, A. A. Shpak, and Sympcha Shpak, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass. The bill had been recommitted to the Senate Judiciary Committee and upon reconsideration, the bill was ordered to be reported favorable again.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hava Shpak, A. A. Shpak, and Sympcha Shpak. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 57- and 55-year-old husband and wife and their 28-year-old son who are natives of Poland and citizens of Israel. The son first entered the United States on September 27, 1946, to attend the University of California. He returned to Israel in 1948 but he and his brother came to the United States February 14, 1950, as students to attend the University of California. The parents arrived shortly thereafter in the United States to visit their sons and are now in Baltimore, Md., in the used car parts business. The father also owns a wholesale grocery business and an apartment house in Israel. He has four cousins residing in Baltimore, Md. When the beneficiary son graduated in 1951 he went to Baltimore and became a partner in his father's used car parts business.

A letter, with attached memorandum, dated May 17, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE.
Washington 25, D. C., May 17, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 332) for the relief of Hava Shpak, her husband, A. A. Shpak, and their son, Sympcha Shpak, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries, by the Baltimore, Md., office of this Service, which has custody of those files.

It is noted that the husband's full name is Abraham Arie Shpak, and that the son's correct first name is Symcha.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Poland.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAVA SHPAK, A. A. SHPAK, AND SYMPCHA SHPAK, BENEFICIARIES OF S. 332

A. A. Shpak, whose full name is Abraham Arie Shpak, and who is also known as Abram Lejb Shpak, a national of Israel, was born in Dubno, Wolyn, Poland, On October 15, 1897. Mr and Mrs. Shpak arrived in the United States at New York, N. Y., on September 17, 1950, at which time they were admitted as visitors for 3 months. Deportation proceedings were instituted against them on April 30, 1951, on the ground that, after admission as visitors, they remained in the United States for a longer time than permitted. They were accorded a hearing and subsequently an order was entered for their deportation from the United States. This order is outstanding at the present time.

Abraham Arie Shpak resides at 2402 Brookfield Avenue, Baltimore, Md., with his wife, Hava Shpak, and son, Sympcha Shpak, who are also beneficiaries of this bill. He is engaged in the occupation of a used car parts dealer in Baltimore, Md. The used car parts business is estimated to be worth between $25,000 and $30,000. Mr. Shpak also owns a wholesale grocery business and an apartment house in Tel-Aviv, Israel, estimated to be worth approximately $100,000. He has the equivalent of a 10th-grade education. He has four cousins residing in Baltimore, Md. Mr. Shpak's last foreign address was No. 8 Mendelson Street, Tel-Aviv, Israel.

Hava Shpak, also knows as Hara Shpak, and Chawa Poltorak, a national of Israel, was born in Radziwillow, Poland, on October 12, 1899. Her occupation is that of housewife. She is dependent on her husband for support. She has the equivalent of a high-school education. She has a cousin, Leon Porter, residing at 34 Halcomb Street, Salem, Mass., and another cousin, Abraham Porter, 77 Linden Avenue, Malden, Mass.

Symcha Shpak, who is also known as Sam Shpak, Sympcha Shpak, and Symcha Szpak, a national of Israel, was born in Radziwillow, Poland, on October 2, 1926. He last arrived in the United States at New York, N. Y., on February 14, 1950. He was admitted as a nonimmigrant student. He received extensions of stay to September 28, 1951. Deportation proceedings were instituted against him on July 18, 1951, on the ground that he had remained in the United States after failing to maintain the exempt status of a student under which he had been admitted. A hearing was accorded him and subsequently an order for his deportation was entered. Such order is outstanding at this time. He is employed as a partner in his father's used-car-parts business in Baltimore, Md., and receives approximately one-fourth of the income from the business. He received a bachelor of arts degree from the University of California in 1951. He served in

the British Army from 1944 to 1946 and with the Israeli Army in 1949. He first entered the United States as a nonimmigrant student on September 27, 1946, to attend the University of California. He departed the United States on December 8, 1948.

Senator John M. Butler, the author of the bill, submitted the following information with reference to S. 547 which was a bill passed by the Senate in the 83d Congress for the relief of the same individuals:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
July 22, 1953.

Hon. ARTHUR V. WATKINS,
Chairman, Immigration and Naturalization Subcommittee,
Committee on the Judiciary, United States Senate, Washington, D. C.

DEAR SENATOR: With reference to the private bill S. 547 which I introduced on behalf of Hava Shpak, A. A. Shpak, and Sympcha Shpak, I thought the following information might be helpful to the committee:

1. The circumstances surrounding their entry into the United States. Abraham Arie Shpak and his wife, Hava Shpak, both natives of Poland, but now citizens of Israel, entered the United States as visitors for pleasure, under section 3 (2) of the Immigration Act of 1924, at the port of New York, N. Y., on September 27, 1950. The purpose of their visit was to see their two sons, both of whom were students at the University of California.

Sympcha Shpak, also a native of Poland, and now a citizen of Israel, last entered the United States as a student under section 4 (e) of the Immigration Act of 1924, at the port of New York, N. Y., on February 14, 1950, for the purpose of resuming his studies at the University of California. He had previously studied at the University of California, from 1946 to 1948, but was called back to Israel in 1949 to serve in the Israel Army.

2. The present activities of the Shpak family: Shortly after their entry into the United States, Mr. and Mrs. Shpak went to Baltimore where they have many relatives, including an aunt and several first cousins. A list of relatives is attached hereto. While in Baltimore, they decided that because of their love for the United States, its way of life, its form of government and its freedom, that they would like to remain in this country. Accordingly, in March 1951, Mr. Shpak organized the Shpak Auto Parts Co. in Baltimore, with an initial investment of $8,000. This company buys old and wrecked automobiles, salvages any usable parts and converts the remainder of the auto into scrap iron. It is well known that the United States is in desperate need of scrap iron, and the Shpak family is making a real contribution to the defense effort through its salvage and collection of scrap iron.

In recent months, Mr. Shpak has expanded his auto-parts business by opening a body and fender-repair shop, and he has also opened a used-car lot in Baltimore under the name of Union Auto Sales.

Mr. Shpak employs a total of six employees on a full-time basis, in addition to several part-time employees.

Sympcha Shpak is a partner of his father in the business described above. He holds a bachelor of arts degree from the University of California.

3. Is any member of the Shpak family engaged in any activity, political, or otherwise, that is injurious to the American public interest? Neither Mr. nor Mrs. Shpak, nor their son Sympcha Shpak is engaged in any activity that might be injurious to the American public interest. The immigration record shows that no member of the family is favorably disposed toward communism or doctrines of like nature, nor do they appear to have or to have had any connection with any subversive groups.

Sympcha Shpak is a graduate of one of the leading universities in America, and is registered under our Selective Service System. He is ready to serve in the Armed Forces of the United States, should he be called. In this connection, he served about 18 months in 1944–45 as a member of the British Army and in 1948–49 served 1 year as a member of the Israel Army.

Abraham Arie Shpak and his wife, Hava, although not speaking any English when they arrived in this country, have attended night school, and now speak very good English. They are still attending school.

4. Has any member of the Shpak family been convicted of an offense to any Federal or State law? Neither Mr. nor Mrs. Shpak nor their son, Sympcha Shpak, has been convicted of offense under any law, neither in the United States, Poland, nor Israel.

5. Other facts in this matter which may be of interest to you. Mr. Shpak and his son Sympcha Shpak, have established a successful business in Baltimore, and have gained for themselves a reputation as good, honest businessmen. Originally $8,000 was invested in this business. A financial statement submitted by Earl L. Weiler, a certified public accountant, Baltimore, as of January 31, 1953, indicates that the business now has a net worth of $29,000.

I am attaching copies of letters submitted from various Baltimore business people, attesting to the honesty and dependability of the Shpak family, which letters speak for themselves.

The growth of the Shpak Auto Parts Co,. and the attached letters testifying to the honesty and integrity of the Shpak family are conclusive evidence that this family has adapted itself to the American way of life, and if permitted to remain here, will develop into useful citizens of the United States.

There is no need to speculate as to what type of people the Shpak family are. Their character is amply demonstrated by what they have accomplished in 3 short years.

In brief, the Shpak family has made good in America. It would appear to be practical to allow them to remain in the United States, rather than returning them to Israel and admitting as immigrants some other family who may or may not become good Americans.

Sincerely yours,

JOHN MARSHALL BUTLER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 332) should be enacted.

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Calendar No. 900

84TH CONGRESS, 1st Session | SENATE | REPORT No. 893

CHIEKO SUZUKI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 393]

The Committee on the Judiciary, to which was referred the bill (S. 393) for the relief of Chieko Suzuki, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen member of our Armed Forces to enter the United States for the purpose of marrying her citizen fiance and to thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Japan who has never been married and has never been in the United States. She is engaged to a native-born United States citizen member of our Armed Forces. The couple met in Japan while Captain Wulff was stationed there. He is now stationed at Paine Air Force Base, Wash., and has been a member of the Air Force for 14 years.

A letter, with attached memorandum, dated June 30, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 30, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 393) for the relief of Chieko Suzuki, there is attached

a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would provide for the issuance of a nonimmigrant visa which would permit the beneficiary to enter the United States for a temporary visit of 3 months, provided it is found she is coming to this country with the intention of marrying Jack L. Wulff, a citizen of the United States, and is otherwise admissible under immigration laws. It would also provide that, in the event marriage does not take place between the beneficiary and Jack L. Wulff within 3 months after the entry of the beneficiary, she shall be required to depart from the United States and upon her failure to do so she shall be deported. In the event marriage between the above-named parties does take place within 3 months after the beneficiary's entry, a record shall be made of her lawful admission for permanent residence as of the date of payment by her of the required visa fee.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING CHIEKO SUZUKI, BENEFICIARY OF S. 393

Information concerning the beneficiary was obtained from Capt. Jack Lester Wulff, fiance and sponsor.

The beneficiary, Chieko Suzuki, also known as Chieko or Jeannie Kobayashi, a native and citizen of Japan, was born July 25, 1931. She has never been married. She is presently residing in Tochigi City, Japan. The beneficiary has no profession and is unemployed. She has completed 12 years of elementary school in Japan. She has no income or assets and is supported by her father, Mr. Suzuki (first name unknown) and mother, Waka Suzuki. She has never been in the United States.

Jack Lester Wulff, a native-born citizen of the United States, is a captain in the United States Air Force stationed at Paine Air Force Base, Wash. Except for a brief period, he has been a member of the Air Corps since February 20, 1941. He is presently earning $602.88 per month, has a savings account of $3,200 and a $1,200 equity in a home. His only dependent is an elderly woman who cared for him during his childhood and who lives with him.

Senator Frank A. Barrett, the author of the bill, has submitted the following information in connection with the case:

PAINE AIR FORCE BASE,
Everett, Wash., August 3, 1954.

AMERICAN CONSUL,
Tokyo, Japan.

DEAR SIR: Let this letter with its accompanying affidavits serve to introduce my fiance, Miss Chieko Suzuki.

Although the affidavits are in themselves explanatory of my fiance's purpose in seeking an interview with you, I deemed it advisable to also include this letter to beseech you to do all in your power to assist her in coming to the United States of America.

Unfortunately, Miss Suzuki and I found it impossible to marry while I was in Japan. I realize that had we been able to do so she would have less difficulty in securing passport and visa to the United States.

I have talked with the Immigration officers here in Seattle and have been assured they can authorize Miss Suzuki up to a 6-month stay in the United States if you can authorize her a visitor's visa on the basis of the accompanying affidavits. As I have stated in the affidavit, Miss Suzuki and I will be married within a day or so after she arrives in Seattle. It is my earnest hope that arrangements may be made whereby she will not have to return to Japan and then reenter the United States via an immigration visa. I understand there is precedent for such procedure.

Should Miss Suzuki and I be forced to postpone our marriage because of her having to await a turn under the quota system of immigration, personal hardship would occur. Time is an important factor because, as you are aware, we in the service are subject to short-notice transfer to new assignments both within the Zone of Interior and overseas. It is for this reason—in addition to our natural eagerness to be married and be together—that I pray you will do everything possible to grant my fiance a visitor's visa.

In the event you are able to act favorably upon this request, it is my intention to arrange through a travel bureau for a prepaid airline or ship passage to Seattle for Miss Suzuki. Although she has a sum of money, I understand that it is doubtful that she will be able to carry same, in any form, from Japan. If this is the case, I will also arrange through the travel bureau to have a sufficient sum of American money available to Miss Suzuki upon verification of her airline or ship reservation, and upon presentation of her passport and visa.

I have attempted to be as thorough as possible in the arrangements and procedures that I have been able to initiate in this matter. Please advise me via air mail as to anything further I might do here to facilitate Miss Suzuki's entry into the United States.

Again I beg of you to do everything possible, as expeditiously as possible, to assist my fiancee in gaining entry into the United States.

Sincerely yours,

JACK L. WULFF,
Captain, United States Air Force.

AFFIDAVIT OF SUPPORT OF JACK L. WULFF

STATE OF WASHINGTON,
Snohomish County, ss:

Jack L. Wulff, being first duly sworn on oath deposes and says:

1. That I am a captain in the United States Air Force, having been a member of the United States Air Force since February 1941 and am presently assigned to a permanent duty station at Paine Air Force Base, Snohomish County, Wash.; that for the purpose of my service record for mail and otherwise I have heretofore given as my civilian residence and mail address that of my closest relative, my sister, Mrs. F. G. (Ina) Corazza, 313 Elizabeth Way, Fullerton, Calif.; that I am purchasing a permanent home at 4922 Cypress Avenue, Everett, Snohomish County, Wash., the same with intent to make said home my full and permanent residence for all purposes; that my service mail address is: Capt. Jack L. Wulff, Detachment 10, 4th Weather Squadron, Paine Air Force Base, Everett, Wash.; that I have resided in the United States all of my life, being for a period of 31 years and 10 months, save and except the periods in which I was necessarily away from the continental United States on active duty orders with the United States Air Force.

2. That I was born at Upton, Wyo., on September 26, 1922, and am a native-born citizen of the United States of America.

3. That I am unmarried and have the following person dependent upon me for support: Mrs. Lydia E. Stilwell, not my natural mother, but a person who has always stood in the relation of my natural mother and has raised me continuously since childhood, whose sole income from social security I supplement for the purpose of her support.

4. That my occupation is that of an officer in the United States Air Force, being by specialty and training a weather officer (meteorologist); that I am now, and for the past 13 years have been, in the service of the United States Air Force, and that my present gross monthly income, including all allowances, is; $550.62; that my average earnings for the past five years have been approximately $5,000 per annum, considering flight pay, base pay and allowances which have varied according to my different positions in rank.

5. That I am purchasing my present home in Everett, Wash., in which my present equity is $1,000; that my other assets consist of:

1954 Ford Customline ranch wagon automobile, purchased new for cash on July 8, 1954, of a reasonable value of $2,500, motor No. U4DR 164415;

Cash in savings account in the Bank of Commerce, Sheridan, Wyo., of the approximate balance of $3,000, being a joint account in the names of myself and Lydia E. Stilwell;

Six thousand dollars life insurance upon my life in New York Life Insurance Co. of New York, the same having some cash surrender value;

Adequate furnishings for a five room house, which furnishings have a reasonable value of $2,000.

6. That it is my desire that the following-named person be issued immigration visa and admitted to the United States: Miss Chieko Suzuki, age 22, of 1183–4 Sakai-cho, Tochigi City, Tochigi-ken, Japan, whose relationship to affiant is fiancé and intended wife.

7. That in consideration of the issuance of immigration visa to the person named herein and the entry of such person into the United States, I hereby guarantee to assume responsibility for her as follows:

That it is my full intent, purpose, and promise that she come to this country for the purpose of marriage to me, that I will support her in accordance with all laws of decency and the laws of the State of Washington and of the United States of America, and any other State in which she may reside as my wife, and that upon her immediate arrival and until such time as the wedding may be performed, she will reside with Mrs. Lydia E. Stilwell, known to me as my mother, and myself, in my home at Everett, Wash.

8. That for purpose of verification of my ability to support the foregoing person, I am attaching hereto a true copy of my last orders from the United States Air Force assigning me to permanent duty at Paine Air Force Base, Everett, Wash., the same indication my rank and such assignment, and I am enclosing an affidavit of the principal officer of the Bank of Commerce, Sheridan, Wyo., identifying the funds on deposit in my savings account.

That I have read this affidavit and know the contents thereof; that it is made for the specific purpose of facilitating the admission to the United States of Miss Chieko Suzuki; that I realize that any false statements made herein may constitute the crime of perjury; and that I am obligated to carry out the responsibilities that I herein assume.

JACK L. WULFF.

Subscribed and sworn to before me this — day of August 1954.

———— ————,

Notary Public in and for the State of Washington.

My commission expires ————.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 393) should be enacted.

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Calendar No. 901

84TH CONGRESS, 1st Session | SENATE | REPORT No. 894

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CHIA-YI JEN (ALSO KNOWN AS CHARLES JEN)

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 592]

The Committee on the Judiciary, to which was referred the bill (S. 592) for the relief of Chia-Yi Jen (also known as Charles Jen), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Chia-Yi Jen (also known as Charles Jen). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of China whose only entry into the United States was at San Francisco, Calif. on September 9, 1948, when he was admitted as a student. He graduated in 1951 from Yale University with a master's degree in architecture and is now employed by an architectural firm in Memphis, Tenn. He is also employed on a part-time basis as an instructor in engineering drawing at Christian Brothers College, Memphis, Tenn. The beneficiary's application for adjustment of status as a displaced person was approved by the Attorney General in 1951. However, Congress failed to act affirmatively on the recommendation as required by law. The beneficiary is unmarried. His father is dead and his mother and family reside in China. The family's properties have been confiscated by the Communists and the bene-

ficiary has had no word from his family in 3 years. He fears persecution if he is forced to return to China.

A letter, with attached memorandum, dated May 11, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

MAY 11, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 592) for the relief of Chia-Yi Jen (also known as Charles Jen), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Memphis, Tenn. office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

As a quota immigrant the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHIA-YI JEN (ALSO KNOWN AS CHARLES JEN), BENEFICIARY OF S. 592

The beneficiary was born in Tientsin, China, on July 2, 1925, and is a citizen of that country. His only entry into the United States was at San Francisco, Calif., on September 9, 1948, when he was admitted as a student for the purpose of attending Yale University at New Haven, Conn.

The beneficiary filed an application for adjustment of status as a displaced person on August 13, 1951. This Service made a finding of eligibility in his case and referred such finding to the Congress with recommendation for approval. The Congress, however, did not act favorably on the application.

The beneficiary has evinced an intention to remain permanently in the United States in violation of his temporary status, and has failed to maintain the nonimmigrant status under which he was admitted to the United States in view of which proceedings looking toward his deportation have been instituted.

Mr. Jen attended Yale University at New Haven, Conn., until June 1951 when he was graduated with a master's degree in architecture. Since that date he has been employed full time as an architect by Aydelott Associates in Memphis, Tenn. He is presently earning $450 a month. He is also employed on a part-time basis as an instructor in engineering drawing at Christian Brothers College, Memphis, Tenn., at a salary of $60 a month. His assets consist of about $400 in the bank, $700 equity in a life-insurance policy and an automobile valued at $1,000. Mr. Jen unmarried and has no one dependent upon him for support. He has no relatives in the United States. His entire family resides in Tientsin, China. He has had no word from his family during the past 3 years. Mr. Jen has always resided in China prior to coming to the United States. He attended Kung-Shang University at Tientsin, China, from which he received his bachelor's degree in architecture in June 1947.

Senator Estes Kefauver, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

To Whom It May Concern:

I entered this country in 1948 under a student visa to study at Yale University. Because of my limited vocabulary, I often have trouble to understand the English language. My ability to speak and hear wasn't developed until my second year of studying in the United States. Due to this fact, I want to put this statement in writing under oath to clarify a misconception in my immigration record during the period while I was a student.

My education has never included studying political philosophy or the form of a government, neither in China nor at Yale. I never was interested in that subject and my only understanding of political philosophy was by way of listening to students who had studied it.

My father was a banker and my family position belongs to a wealthy group of which the percentage is very small in comparison with the population of China. This group is the main target for the Communist government in China today. During 1947–48 I was engaged by the Tientsin-Peiping Railroad. My job was principally to repair buildings, bridges, and railways which were destroyed by the Communist underground. Three of my good friends had been murdered at that time. During my stay in the United States I have heard very little from my family except that the present government has gradually taken away my family's properties and my father's collection of books. My father died from suffering from Communist abuse. My mother was forced to go to school to study communism at the age of 60, and my sisters and brothers had to work against their wishes. By virtue of my position and my background I could not possibly be sympathetic with the present government in China.

Anyone born in a foreign country, luxuries—automobiles for instance—strictly belong to the rich. The standard of living in this country and the technical development is unknown even to the rich in China. One cannot help being impressed that to live in the United States of America is a wonderful privilege. It is hard for anyone to think of never seeing his family again but to lead a fruitful life I must stay here and contribute my talent to this country.

Because of the above I obviously could not be in sympathy with the Communist political party.

I hereby swear that I have never been, am not now, could never be persuaded to be a Communist or a member of any organization sympathetic to the Communists.

CHARLES JEN.

Signed before me this 14th day of January, 1955.

[SEAL] CHAS E. REAVES.

My commission expires October 13, 1958.

A. L. AYDELOTT & ASSOCIATES,
Memphis, Tenn., January 14, 1955.

Senator ESTES KEFAUVER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KEFAUVER: Relative to my conversation with your office yesterday, I give you the following information on Charles Jen.

My first contact with Jen was at Yale University in 1949 where I served on the faculty in the Yale School of Architecture. Jen was one of the students in my group. His talent and personality were such that before I left Yale I made arrangements with him to come under my employ after his graduation. He worked for me in the summer of 1950 and the summer of the following year returned and he has been with me since.

The first knowledge I had of Jen's immigration status was some time prior to August 1952 when Charles requested that his status be changed so that he might maintain permanent status in this country. Through the copy of the file which I am sending you, you will see that the subsequent action was taken in his favor in June 1953.

I have known Charles as a friend and social companion, as a visitor and guest in my home, and as professional associate and have developed a strong affection for him which has no relation to his value to me in my organization. His talent is of such high caliber that his removal from my office would represent a tremendous loss in my organization. My wife and I have both considered Charles as more a member of our family than as a business associate and my insistent interest in his welfare stems from this association.

I know of Charles' background only from conversations I have had with him over the past 4 years but in general his personal story is as follows:

FAMILY BACKGROUND

Charles' grandfather was Lieutenant Governor Province of Sze-Chuan, and at the time Charles left China his father was executive vice president of the National Bank of Communication; president and chairman of board of Yien-Yieh Com-

mercial Bank; executive director, board of directors, of United Saving Bank; director, board of directors, of Golden City Commercial Bank; president and executive director, board of directors, of Chung-Shing Coal Mining Co.; executive director, board of directors, Chung-Shing Lines, and director of Tung-Cheng Insurance Co.

PERSONAL HISTORY

Charles was born July 2, 1925, at Tiensin. He was educated by private tutors from 1930 to 1936 and attended a private high school from 1936 to 1942. He received a bachelor of science in architecture from Kung Shang University (operated by Roman Catholic Jesuit Order) in 1947. In the year following his graduation, he was engaged as an engineer in repairing and building bridges and railroads which had been destroyed by the Communists. During this experience three of Charles' coworkers were killed by members of the Communist underground. It was because of the impending political trouble that Charles' father arranged to send him to this country and he entered Yale in 1948. Since he has been with me, Charles' father, as far as Charles can determine, died as a result of the torment he suffered at the hands of the Chinese Government.

We do not have a surplus of highly competent architects in this country. For instance, of a total of 20,000 registered architects in the United States, 8,000 have no college degrees. Also, Charles has an ability approaching genius in his capacity as an accomplished engineer. Frankly, in times of military difficulty the talents of the engineers are required to a much greater degree than those of architects. Charles, more than anyone I have ever had in my office, makes me realize my limitations in my knowledge of this profession.

His ability to acclimate himself to social situations is nothing short of phenomenal. One would think that with the inborn sense of superiority that we southerners possess it would be a practical impossibility for an oriental to enter into a community like Memphis and be enthusiastically received by the most prominent people.

I am enclosing a clipping from the Commercial Appeal society page under the Penelope Pepys column which will give you an idea of Charles' standing in this community. Incidentally, I am also enclosing two reprints from architectural journals of projects which I developed in association with Jen.

I believe there will be evidence in the form of personal communications to you that will indicate the high respect that has been afforded Charles here.

I feel badly that my inquiry possibly precipitated the action by the Immigration Department. It is not the action so much as the fact that they imposed a time limit of 1 week from January 12 in which Charles might decide whether he would be deported forcibly or whether he would go on his own volition. I am, therefore, most anxious that the steps necessary to prevent any further action by the Immigration Department be taken. This is in line with my telephone conversation with Dick Wallace.

If any further information is required for the preparation of the bill do not hesitate calling me collect to let me know.

My very best personal wishes to you and to your wonderful staff whom I met on my recent trip to Washington.

Yours very truly,

A. L. AYDELOTT.

CHRISTIAN BROTHERS COLLEGE,
Memphis, Tenn., January 17, 1955.

Senator ESTES KEFAUVER,
United States Senate, Washington, D. C.

DEAR SENATOR: In line with the telegram which I have sent you today, I would like to request you to use every effort to stop deportation proceedings on Charles Jen.

I am sure that by now you have in your files a notarized statement whereby he renounces any sympathy past or present with the Communist Party in China. From the history of his life you can deduct that he could not possibly have had any sympathy toward the Communists.

It seems that if you were to introduce a bill into Congress granting him permission to apply for citizenship, the deportation proceedings would be stopped immediately, awaiting the outcome of the bill.

Since Charles Jen is an instructor at Christian Brothers College, has his master's degree in architecture from Yale, and has been four times associated with national awards in architecture, I feel that it would be a loss to the United States if this

young man were deported. He has always been too interested in his architecture to spend any time in political science, or any type of promotion of political parties. He is strictly an artist as well as an excellent teacher.

I trust that bearing in mind all the details which you have in your files on this young man you will put forth every effort to save this young man from a fate that would be fatal. I anxiously await your reaction and your reply.

Sincerely,

Brother LAMBERT THOMAS, F. S. C.,
President.

EVERGREEN PRESBYTERIAN CHURCH,
Memphis, Tenn., January 14, 1955.

Senator ESTES KEFAUVER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: You will please pardon my giving you a bit of history in order to come by the purpose of this letter. Our son is an architect and works in the office of Walk C. Jones, Jr., in Memphis. During one summer vacation and for a few months of last year, he worked in the office of A. L. Aydelott & Associates. While working for Mr. Aydelott he became acquainted with a Chinese by the name of Chia-Yi-Jen who is a member of the Aydelott firm. "Charles" as he is better known among his friends came to America as a student. He studied in the school of architecture at Yale where he made an outstanding record and won the coveted prize for designing the best hospital. He has been in our home on a number of occasions and he and our son go out together socially. We consider him a very brilliant and acceptable member of the community.

He has just recently received orders from the immigration authorities to return to China. Charles has lost track of his people in China since being in America and is of the firm conviction that they have been executed by the Communists. He is not a Communist in any degree whatsoever and feels that upon his return to China he will either be incarcerated or executed.

We feel that this young man can make a tremendous contribution to the culture and civilization of our community and Nation and feel that you would be justified in putting forth every necessary effort to frustrate his deportation and enable him to become a citizen of the United States. You are aware that I have not plagued you with letters for I have confidence in your leadership as a Senator. I do feel, however, that you should be apprised of this situation and I am most earnestly requesting that you do everything in your power to prevent his being returned to China.

With best wishes, I am,

Sincerely yours,

W. J. MILLARD.

THE COMMERCIAL APPEAL,
Memphis, Tenn., January 14, 1955.

Senator ESTES KEFAUVER,
Senate Office Building, Washington, D. C.

DEAR SIR: I understand you have been asked to intercede to prevent the deportation of Chia-yi Jen (or Charles Jen, as he is known to American friends) to China. I would like to add my support to his case.

Mr. Jen occupies a garage apartment just behind my home at 346 South Reese in Memphis. He has been my tenant for more than a year, and you would look a long time before finding a finer one. He is intelligent, cultured, gentlemanly, and reliable.

I am informed that Mr. Jen came to the United States from China in 1948. He studied architecture, particularly hospital design, on a fellowship at the Yale School of Fine Arts in New Haven, Conn. He was graduated with a master's degree in 1951. At that time he joined the A. L. Aydelott architectural firm in Memphis—to my mind the outstanding such organization in the Midsouth.

In the year I have known him, I have observed that Mr. Jen is a valuable addition to our city, for he is the kind of person who contributes thoughts and ideas.

As art critic for the Commercial Appeal (also assistant telegraph editor) I have had occasion to discuss architecture with Mr. Jen. I know him to be well informed. Such people I have found are rare, thus Mr. Jen is really an asset to Memphis.

It also occurs to me, Senator Kefauver, that young men like Charles Jen have an important place in America. If we are to maintain any kind of human rela-

tionship with nations that have turned or are turning to communism, it is wise to have in our presence reminders that all people from those countries have not been swept up in the Red net.

Mr. Jen has seen what communism did to his own family in China. (I am told that although they were wealthy, they have been cast down from their high station.) He may be lonely for them, for he has not heard from them in 2 years. But he hates communism, would be miserable if forced to return to China as it is today, and has begun to make a worthwhile life in the United States. To tear him up from these new roots, to force his return to a country where he possibly would be persecuted or mistreated, could only be an injustice on the part of America.

Charles Jen is already completely Americanized, and well thought of in many very good homes in Memphis. If he is permitted to become an American citizen—as he wishes to do—I believe he will be a valuable one, for he could well turn into one of America's leading architects. It would be a shame for us to lose him.

Any congressional action you undertake to help him I would consider a personal favor, and a service to both Tennessee and the United States.

Respectfully,

GUY NORTHROP, Jr.

THE MEMPHIS ACADEMY OF ARTS,
Memphis, Tenn., January 19, 1955.

Hon. ESTES KEFAUVER,
Senate Office Building, Washington, D. C.

DEAR SENATOR KEFAUVER: I am writing in behalf of Charles (Chia-Yi) Jen, a young Chinese who came to this country in 1948 to study architecture at Yale University, and who is applying for permanent status in this country.

For the past few years I have known Mr. Jen both socially and professionally, and I know of no young man for whom I have greater respect and admiration as a person and as an artist. His reputation in the community is a very fine one. He is a serious, gifted, attractive, and responsible person, of fine character and unusual ability. I believe that he will make a fine citizen, and I shall appreciate the earnest efforts which you can make in his behalf.

Very sincerely yours,

EDWIN C. RUST, *Director.*

YALE UNIVERSITY, DIVISION OF THE ARTS,
New Haven, Conn., January 18, 1955.

Hon. ESTES KEFAUVER,
United States Senate, Washington, D. C.

DEAR SENATOR KEFAUVER: I am writing you at the request of Mr. A. L. Aydelott, architect, of Memphis, Tenn., in reference to the problem of Mr. Charles Jen, an architect and citizen of Nationalist China, who is associated with his office. Apparently Mr. Jen has had trouble establishing his permanent status for residence in this country, and it is a pleasure for me to write in support of his application. Mr. Jen received the degree of bachelor of science in architecture from Kung Shang University in 1947, and the master of architecture degree from Yale in 1951. He was an excellent student throughout his course at Yale and graduated in the top bracket in his class.

In his graduate year he specialized in hospital design and his work with Mr. Aydelott is in this field. There are few architects in the country who are really trained in this special field, and Mr. Jen's particular qualifications should permit him to make a distinguished contribution to the welfare of this country in this critical field where specialized training and talent are particularly required.

We hope very much that Mr. Jen's application may have your support, for I am sure that he will justify our confidence in him.

Sincerely yours,

CHARLES H. SAWYER, *Director.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 592) should be enacted.

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Calendar No. 902

84TH CONGRESS, 1st Session | SENATE | REPORT No 895

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CATHERINE SAMOURIS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 608]

The Committee on the Judiciary, to which was referred the bill (S. 608) for the relief of Catherine Samouris, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Catherine Samouris. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Greece who last entered the United States on May 5, 1952, at New York, when she was admitted as a student. She resides with her 60-year-old widowed aunt who is a United States citizen. The beneficiary is a student at Coe College, Cedar Rapids, Iowa, and other than her aunt, has no close relatives residing in the United States. The beneficiary's mother is dead and her father resides in Greece. The aunt has designated the beneficiary as her heir.

A letter, with attached memorandum, dated May 23, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request dated January 31, 1955, of the Department of Justice for a report relative to the bill (S. 608) for the relief of Catherine Samouris, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, the beneficiary would be chargeable to the quota for Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CATHERINE SAMOURIS, BENEFICIARY OF S. 608

The beneficiary, Catherine Samouris, was born April 18, 1931, at Athens, Greece, and is a citizen of that country. She is single and has never been married.

The beneficiary resides at 502 23d Street SE., Cedar Rapids, Iowa, with her aunt, Mrs. John E. Lapes, and is a student at Coe College in that city and expects to graduate from there in June 1957. She is not employed and is entirely dependent upon her aunt, who is the sponsor of the private bill, for her support. Other than her aunt the beneficiary has no close relatives residing in the United States. Her mother is deceased, and her father resides in Greece. The beneficiary's last residence abroad was 101 Skiathou Street, Patission, Athens, Greece.

The beneficiary was admitted to the United States at New York, N. Y., May 5, 1952, as a student. An extension of her temporary stay was authorized to September 19, 1955. Deportation proceedings were instituted March 23, 1955. She was found deportable from the United States on the ground that after admission as a student she failed to comply with the conditions of such status. An order was entered by a special inquiry officer April 21, 1955, granting the beneficiary the privilege of voluntary departure.

The sponsor, Mrs. John E. Lapes, is the beneficiary's aunt. She was born September 15, 1894, and became a citizen of the United States by naturalization April 12, 1953. The sponsor is a widow and is the sole owner of Lapes Florists, Cedar Rapids, Iowa. She has assets totaling approximately $130,000. The sponsor, who has no relatives in the United States, has designated the beneficiary as her heir and desires to have the beneficiary remain in the United States.

Senator Bourke B. Hickenlooper, the author of the bill, has submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
June 10, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Immigration,
Senate Judiciary Committee, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing this letter in support of a bill introduced by me and designated as S. 608, for the relief of Catherine Samouris.

Catherine Samouris is 24 years old and has been in the United States since May 1952 from Athens, Greece, under a student visa. She is presently attending Coe College at Cedar Rapids, Iowa. Miss Samouris lives with her aunt, Mrs. John E. Lapes, of Cedar Rapids, Iowa.

Mrs. Lapes and her husband operated a flower shop in Cedar Rapids since 1909. Mr. Lapes passed away in 1951, but Mrs. Lapes continues the operation of the flower shop, and this is a very successful business. Mrs. Lapes is financially responsible, and is held in highest esteem by business interests and people of Cedar Rapids, Iowa.

Miss Samouris lost her mother by death several years ago and prior to leaving Greece, lived with her grandmother, who has now passed away. Mrs. Lapes is most anxious to have her niece live with her in this country. It is my understanding that the niece has no home to return to in Greece. It would seem that a very fortunate arrangement could be made for both Mrs. Lapes and her niece by having the niece remain in this country. Mrs. Lapes is, of course, a citizen of the United States.

I have received several letters of recommendation of Miss Samouris. Among them is one from Dr. Howell H. Brooks, president of Coe College, at Cedar Rapids, Iowa, who says, "I would recommend to you that Miss Samouris be admitted for permanent residence in the United States. She is a delightful young lady and, in my opinion, is absolutely above reproach in character and habits. She has enjoyed her home in Cedar Rapids and is taking her place among the students from our country in a very acceptable manner. She fits well into our small college atmosphere and so far as I know is a person who is completely loyal and would be completely loyal to the United States of America."

I hope it may be possible for the committee to consider favorably S. 608.

Yours very sincerely,

B. B. HICKENLOOPER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 608) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 896

Calendar No. 903

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MARY ISHII

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 610]

The Committee on the Judiciary, to which was referred the bill (S. 610) for the relief of Mary Ishii, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mary Ishii. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Great Birtain whose father was Japanese and whose mother was English. She was brought to the United States from Japan in 1948 by the Department of Justice to testify as a Government witness in the Tokyo Rose case. She then went to Canada, obtained a student visa, and returned to the United States to study at the University of California and was graduated. She is employed by the League of California Cities as an interpreter-secretary. Her facility in using both the English and Japanese languages has made her services valuable to the United States Government and has furthered good Japanese-American relations. In 1951 she was employed as receptionist-interpreter for Prime Minister Yoshida at the Japanese Peace Treaty Conference. In 1953 she was employed by the Japan-American Mayors' Conference and traveled extensively in the United States with 37 mayors from the leading cities of Japan.

A letter, with attached memorandum, dated June 15, 1955, to the Chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary, United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request to the Department of Justice for a report relative to the bill (S. 610) for the relief of Mary Ishii, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Oakland, Calif. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Great Britain.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARY ISHII, BENEFICIARY OF S. 610

The beneficiary, Mary Ishii, a native and citizen of Great Britain, was born on July 31, 1926, in London, England. She was originally brought to the United States by the Department of Justice in September, 1948 for the purpose of testifying as a Government witness before the grand jury deliberating the Tokyo Rose case. After her services as a witness were completed, she departed to Canada, secured a student visa and was readmitted to the United States at Blaine, Wash. on February 4, 1950, for the purpose of studying in the United States. Deportation proceedings have been instituted against her on the ground that, after admission as a student for a temporary period, she failed to comply with the conditions of such status.

Miss Ishii is presently residing in Berkeley, Calif., where she is employed as a secretary-interpreter for the League of California Cities at a salary of $335 monthly. There are no assets at this time. She has never married and has no one dependent upon her for support. Her father and stepmother reside in Tokyo, Japan. There are no close relatives in the United States.

Further information received from the Immigration and Naturalization Service reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 27, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: This refers to the report furnished by this Service to the committee on June 15, 1955, relative to Mary Ishii, beneficiary of private bill S. 610, 84th Congress, in which it was stated the beneficiary is chargeable to the quota of Great Britain.

It has been ascertained that Miss Ishii's father is of the Japanese race, born in Japan. Therefore, Miss Ishii is chargeable to the quota of Japan.

Sincerely,

———— ————, *Commissioner.*

Senator Thomas H. Kuchel, the author of the bill, has submitted the following information in connection with the case:

PERSONAL

Name: Mary Ishii.
Address: 2510 Bancroft Way, Berkeley 4, Calif.
Date and place of birth: July 31, 1926; London, England.
Marital status: Single; no dependents.

HISTORY SINCE ARRIVAL IN THE UNITED STATES

Miss Ishii arrived in the United States from Japan in September 1948. She came on United States Army travel orders to appear as a Government witness in the Tokyo Rose trial which was held in San Francisco. Following the Federal grand jury hearings, the witnesses from Japan were given the option of returning to Japan until the beginning of the trial or of staying in the United States during the interim. Miss Ishii chose to stay and took employment in San Francisco as a private secretary to Julian H. Alco, former member of the State board of prison directors.

At the termination of the trial, Miss Ishii applied for entrance to the University of California at Berkeley and entered as a freshman in September 1949. As an undergraduate, she worked part time at the International House to support herself and also was granted four scholarships to help her complete her studies. She received a bachelor of arts in political science in June 1953, and at that time joined Phi Beta Kappa.

During the summer months between school semesters, Miss Ishii worked full time at a number of jobs—in San Francisco as a secretary in an insurance company and at summer resorts waiting on tables. When the Japanese Peace Treaty Conference was held in San Francisco in September 1951, she was employed by the Japanese delegation to the Conference as receptionist-secretary at the temporary residence of Prime Minister Yoshida.

Immediately following graduation, Miss Ishii was employed by the executive committee of the Second Japan-American Pacific Coast Mayors' Conference as secretary to the secretary-manager and to the consultant. This project was under the general direction of the League of California Cities. The Conference was held in Seattle, Wash., August 18–21, 1953, and was attended by mayors and presidents of chambers of commerce from the major cities in Japan and from cities on the American Pacific coast. Miss Ishii worked on pre-Conference arrangements from the headquarters office in the Berkeley City Hall and also attended the Conference and traveled with the group of 37 delegates from Japan on their subsequent nationwide tour, acting as secretary and interpreter.

At the conclusion of the Conference, Miss Ishii was employed on a full-time basis by the League of California Cities, and continues to serve this organization in the capacity of administrative secretary.

Miss Ishii is a British subject by birth and remains in this country on the basis of a student visa. Since graduation she applied for and received permission to work for the League of California Cities for a "practical training" period allowed foreign students by the United States Immigration and Naturalization Service for work related to their fields of study. Miss Ishii's training period will expire in March 1955. The attached statement, prepared by Stiller and Wattenberg, attorneys at law, 995 Market Street, San Francisco 3, Calif., outlines in considerable detail the legal position which confronts Miss Ishii in attempting to remain in this country by following any accepted, normal procedure.

It is on the basis of Miss Ishii's legal position as expressed by the attachment together with this general statement, that a request is made for the introduction of a bill will authorize Miss Ishii to become a citizen of the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 610) should be enacted.

Calendar No. 904

84TH CONGRESS, 1st Session | SENATE | REPORT No. 897

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CIRILO JOSE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 695]

The Committee on the Judiciary, to which was referred the bill (S. 695) for the relief of Cirilo Jose, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Cirilo Jose. The bill provides for the appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of the Philippines whose last known entry into the United States was at Seattle, Wash. on December 17, 1954, as a member of the crew of a United States naval vessel. He enlisted in the Navy on May 15, 1946, and had 9 years of continuous service. He is presently assigned to the U. S. S. *General George M. Randall* and has had an excellent record in the Navy.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 695) for the relief of Cirilo Jose, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash. office of this Service which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of the Philippines.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING CIRILO JOSE, BENEFICIARY OF S. 695

The beneficiary, Cirilo Jose, is a citizen of the Philippines, born July 7, 1928, at Piddig, Ilocos Norte, Philippines. He is single and has no dependents. He is a member of the United States Navy, presently assigned to the U. S. S. *General George M. Randall* as a stewardsman and receives $126 per month. He has other assets in the sum of $2,700 in a savings account and bonds. Mr. Jose completed the ninth grade of school in the Philippines. His mother, Antonia Martin, is dead, and his father, Catalino Jose a brother and a sister are living at Piddig, Ilocos Norte, Philippines.

The beneficiary's last know entry to the United States was at Seattle, Wash. on December 17, 1954, as a member of the crew of a United States naval vessel. He has had continuous naval service since his enlistment on May 15, 1946, at Manila, Philippines.

Senator Henry M. Jackson, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
April 15, 1955.

Hon. HARLEY KILGORE,
Chairman Immigration Subcommittee, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: I am writing on behalf of Cirilo Jose, Steward, United States Navy, for whom I have introduced private immigration legislation, S. 695.

The enclosed documents from Mr. Jose and his present commanding officer, Capt. A. Kusebauch, USN, contain supporting data.

I would like to add that Mr. Jose's case was recommended to me by Mr. John Boyd, Director of the Immigration and Naturalization Office in Seattle, Wash. Mr. Boyd indicated to me that all administrative remedies in this case had been exhausted and that a private bill was the only recourse left.

Should further information be needed, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

U. S. S. "GENERAL G. M. RANDALL" (TAP-115),
Fleet Post Office, San Francisco, Calif.,
January 7, 1955.

Senator HENRY M. JACKSON,
Senate Office Building, Washington, D. C.

To the Honorable Senator Jackson:

I, Cirilo (n) Jose, stewardsman, United States Navy, am seeking United States citizenship. Facts pertinent to my plea, as indicated by the United States Immigration Office, Seattle, Wash., are as follows:

Born: July 7, 1928, Piddig, Ilocos Norte, Philippine Islands.

Entered United States Navy: May 15, 1946, Philippine Sea Frontier, Philippine Islands (continuous service since this date), service number 5833730.

Service: 1946 for 3 months on board U. S. S. *Cortlan* (AP–17). 1946 to 1948 on board the U. S. S. *Wisconsin* (BB–64), and 3 months in Philippine Islands. 1949 to 1951 Naval Receiving Station, Pearl Harbor, T. H. 1951 to present date on board the U. S. S. *General G. M. Randall* (TAP–115).

Family status: Unmarried.

All known administrative remedies have been investigated and none will give the desired relief. I have been informed that my only recourse is to appeal to you to introduce a bill in Congress on my behalf.

I have been in the United States Navy for 8 years and during that period I have been working toward United States citizenship for me. All avenues are closed to me at this time. My commanding officer, Captain Kusebauch, USN, has aided me in my efforts. I would sincerely appreciate any efforts on your part in my behalf.

If any further information is necessary, please reply to the return address.

Very respectfully,

CIRILO JOSE.

U. S. S. "GENERAL GEORGE M. RANDALL" (TAP–115),
Fleet Post Office,
San Francisco, Calif., January 10, 1955.

Senator HENRY M. JACKSON,
Senate Office Building, Washington, D. C.

To the Honorable Senator Jackson:

Cirilo (n) Jose's, stewardsman, service in the Navy is as indicated in his letter dated January 7, 1955.

He has an excellent record in the Navy, and from my observations of him, he has proven himself to be sober, reliable, industrious, and an asset to any command.

I believe any aid leading to Jose's citizenship would be beneficial to the United States Navy and to the United States. I therefore hope that the Senator will give Jose's plea favorable consideration.

Very respectfully,

A. KUSEBAUCH,
Captain, U. S. N., Commanding Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 695) should be enacted.

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Calendar No. 905

84TH CONGRESS, 1st Session | SENATE | REPORT No. 898

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VACLAV MAJER, IRMA MAJER, AND VACLAV MAJER, JR.

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 762]

The Committee on the Judiciary, to which was referred the bill (S. 762) for the relief of Vaclav Majer, Irma Majer, and Vaclav Majer, Jr., having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Vaclav Majer, Irma Majer, and Vaclav Majer, Jr. The bill provides for the appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 51-year-old father, a native of Czechoslovakia, his 36-year-old wife, a native of Austria and citizen of Czechoslovakia and their 5-year-old son born in England. They claim to be stateless. The beneficiaries last entered the United States on August 21, 1951, at New York when they were admitted as visitors. They now have a citizen daughter 1½ years old. The father was Food Minister in Czechoslovakia from 1945 to 1948 when he fled after the Communist coup. He presently occupies the position of vice president of the Counsel of Free Czechoslovakia, 2051 Park Road NW., Washington, D. C.

A letter, with attached memorandum, dated May 9, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 762) for the relief of Vaclav Majer, his wife, Irma Majer, and their son, Vaclav Majer, Jr., there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fee. It also directs that three numbers be deducted from the appropriate immigration quota.

Mr. Majer is chargeable to the quota of Czechoslovakia. Mrs. Majer is chargeable to the quota of Austria. Their son, Vaclav, Jr., is chargeable to the quota of Great Britain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE VACLAV MAJER, HIS WIFE, IRMA MAJER, AND THEIR SON, VACLAV MAJER, JR., BENEFICIARIES OF S. 762

All the beneficiaries are residing at 1106 Allison Street NW., Washington, D. C. Vaclav Majer was born in Pochvalov, Czechoslovakia, January 22, 1904, and his wife, Irma Majer nee Linhart, in Vienna, Austria, on August 2, 1918. The wife's parents were both Czechoslovakian citizens and she derived Czechoslovakian citizenship from her parents at birth. Their son, Vaclav Majer, Jr., was born in London, England, on July 4, 1950. The entire family's last residence abroad was in London, England. The entire family last entered the United States on August 21, 1951, at New York, N. Y., and were admitted as temporary visitors until January 7, 1952. Subjects received one extension of their temporary stay. No further extensions were granted to them because of the refusal of the British Government to revalidate their British travel documents.

Deportation proceedings have been instituted against the three aliens and they have been found to be deportable from the United States on the grounds that after their admission to the United States as nonimmigrants they have failed to comply with the conditions of such status. An opportunity afforded them to apply for voluntary departure was declined by subjects. Warrants of deportation are outstanding in the cases of the three aliens.

Vaclav Majer is presently occupying the position as vice president of the counsel of Free Czechoslovakia, 2051 Park Road NW., Washington, D. C., and receives a subsistence of $350 per month for his services. Vaclav Majer was active in politics in Czechoslovakia and his last political post in Czechoslovakia was Food Minister in the Czechoslovakian Government from 1945 until the Communist coup in 1948.

Irma Majer held various secretarial jobs in Czechoslovakia with various political organizations but was never actively involved in the political structure of Czechoslovakia. Irma Majer is unemployed and has not been employed during her residence in the United States. The wife and son are totally dependent on the father, Vaclav Majer, for support.

The above-named three aliens have no close relatives in the United States or abroad.

The adult aliens became the parents of a female child born to Irma Majer in the United States approximately 1½ years ago.

COUNCIL OF FREE CZECHOSLOVAKIA,
Washington, D. C., June 22, 1953.

Hon. ROMAN L. HRUSKA,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN HRUSKA: The Council of Free Czechoslovakia hereby testifies that Mr. Vaclav Majer, born January 22, 1904, in Pochvalov in Czechoslovakia, a Czechoslovak citizen, now stateless, former Minister of Food of the Czechoslovak Government and member of the Czechoslovak Parliament from

1945 until 1948, now living at 1106 Allison Street NW., Washington, D. C., is in exile since July 1948 because of his democratic and anti-Communist conviction and because of the Communist putsch in February 1948. He has been residing in the United States since October 21, 1951.

Mr. Vaclav Majer is the vice chairman of the central committee and a member of the executive committee of the Council of Free Czechoslovakia which is sponsored by the National Committee for a Free Europe, Inc. in New York; he also contributes to Radio Free Europe in New York.

The Council of Free Czechoslovakia recommends earnestly that the request of permanent residence for Vaclav Majer be made the subject of a special bill.

Very sincerely yours,

Dr. PETR ZENKL,
Chairman of Executive Committee.

Dr. JOZEF LETTRICH,
Vice Chairman of Executive Committee.

FOREIGN SERVICE OF THE UNITED STATES,
AMERICAN EMBASSY,
Beirut, Lebanon, June 19, 1953.

Hon. ROMAN L. HRUSKA,
House of Representatives, Washington, D. C.

DEAR MR. HRUSKA: Mr. Vaclav Majer, 1106 Allison Street NW., Washington, D. C., a citizen of Czechoslovakia, writes me that his continued residence in the United States depends upon whether or not a private bill can be passed by Congress permitting him to remain; also that you are preparing such a private bill for him and his family. He has suggested that I write to you on this subject.

In 1944 and early 1945 I was assigned as political officer in the American Embassy in London near the Czechlslovak Government-in-exile. At that time I had many contacts with Mr. Majer, who was a member of President Benes' government-in-exile. As soon as it became possible to return to Czechoslovakia in the spring of 1945, I proceeded to Prague and reopened our Embassy there. At the same time Mr. Majer became a Cabinet Minister in President Benes' postwar government in Prague and continued as such until the Communist coup of February 1948. Concurrently he was entrusted with running the Czechoslovak branch of the UNRRA.

During the period mentioned, I had frequent official contacts with Mr. Majer which afforded ample opportunity to observe his attachment to the principles of democracy. He was one of the most courageous and ardent opponents of the Communist operations in that country. When the Communists assumed power in Czechoslovakia in February 1948, Mr. Majer was placed under police guard until July 1948, when he managed to escape to the United States Zone in Germany.

I was later assigned as counselor of the American Embassy in London in 1949 and 1950, at which time Mr. Majer was present in that city and was active in the affairs of the Council of Free Czechoslovakia. I believe that Mr. Majer has always maintained his democratic and anti-Communist attitude without compromise and at great sacrifice to his own convenience and personal fortunes. I regard him as definitely a man of principles in line with our own concepts of freedom and democratic government in the United States.

Respectfully yours,

JOHN H. BRUINS,
Counselor of Embassy.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 762) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 899

CHOCURA YOSHIDA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 763]

The Committee on the Judiciary, to which was referred the bill (S. 763) for the relief of Chocura Yoshida, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Chocura Yoshida. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Japan who last entered the United States on February 1, 1951, at San Francisco, Calif., when he was admitted as a student. He is single and resides at Doan College, Crete, Nebr., where he is majoring in science. He is attending school on a scholarship and desires to continue studies in medicine. The beneficiary's parents were killed in the bombing of Hiroshima and he has no close relatives other than an uncle who lives in Albuquerque, N. Mex.

A letter, with attached memorandum, dated June 16, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 763) for the relief of Chocura Yoshida, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHOCURA YOSHIDA, BENEFICIARY OF S. 763, 84TH CONGRESS

The beneficiary, Chocura Yoshida, also known as Choc Yoshida, was born on January 1, 1929, at Hiroshima, Japan, and is a citizen of Japan. He is single and resides at Men's Hall, Doan College, Crete, Nebr. The beneficiary is in his senior year at that school, majoring in science.

The beneficiary's school expenses are borne by a Cooper Foundation scholarship, which includes board, room, and tuition. He is unemployed and has no income other than the benefits of the scholarship. He has no assets at this time.

The beneficiary's only known close relative is an uncle, Kenkiti Morimoto, who resides at 2888 Candelaria Avenue NW., Albuquerque, N. Mex.

The beneficiary arrived in the United States at San Francisco, Calif., on February 1, 1951, and was admitted as a student. He received several extensions of his temporary admission, the last of which was to expire on June 1, 1955. On March 9, 1955, he violated his status by expressing his intention to remain permanently in the United States. On March 21, 1955, a warrant for his arrest in deportation proceedings was issued based on the charge that, after admission to the United States as a student, he had failed to maintain the status to which it was changed, to wit, a nonimmigrant under section 101 (a) (15) (F) of the Immigration and Nationality Act. He was found deportable on April 18, 1955, and was granted the privilege of departing voluntarily from the United States, with the alternate of the entry of an order of deportation if he fails to so depart.

The beneficiary was given a physical examination on November 19, 1954, at a hospital facility in Lincoln, Nebr. As a result, it was concluded that "The findings are believed to represent a healed fibroid type of pulmonary tuberculosis." The beneficiary has indicated that he had a tubercular condition when he was 11 years of age and also during part of the time he was in high school in Japan, but thought he had been cured.

Senator Hruska, the author of the bill, has submitted the following letters in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
June 21, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Immigration Subcommittee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: There is pending before your subcommittee, S. 763, for the relief of Chokuro Yoshida. I am enclosing some letters pertaining to this young man, which I believe will be helpful to the committee in considering my bill.

As you will note, this young fellow is a war orphan. He has completed his premedical training and hopes to enter medical school. He appears to be a very conscientious, hard-working young fellow, and I believe would be a credit to this country if admitted for permanent residence.

Sincerely yours,

ROMAN L. HRUSKA,
United States Senator, Nebraska.

DOANE COLLEGE,
Crete, Nebr., March 18, 1955.

Hon. ROMAN L. HRUSKA,
Washington, D. C.

DEAR SENATOR: Last week an officer from the Department of Justice came over to interview me and asked me many questions. He mentioned that if the bill does not pass I shall be ordered deported from the United States.

I am a little concerned in case I have to leave the country. If my statement would somehow help the bill to pass I would like to tell you again, even though Mr. Novak and Mr. Kaufman have written you before, clearly and sincerely why I am asking to get permanent residence.

After the war I received 4 years' scholarship help from the Cooper Foundation in Lincoln, Nebr. to study at Doane College. While I have been in the United States I have tried to adapt myself to the life in this country and make many friends. I love this country like my motherland. While in school I had a desire to be a doctor like my father, and I studied in that direction. My parents were killed in the war at Hiroshima, Japan, which is my hometown; and I have my guardian uncle and aunt in Albuquerque, N. Mex. When I graduate from the college I wish to join the United States Army and serve this country. I tried in this respect, but my status as a student does not allow the procedure. Therefore I am asking for a special act to change my status.

If I am accepted as a permanent resident, I am going to serve in the Army, and after that I am going to study medicine to be a doctor.

I don't know if my motive would help in consideration of the bill, but I sincerely hope and pray that the bill will be accepted by the Congress.

In taking up this bill for me I am forever grateful to you for all that you have done for me.

Very sincerely yours,

CHOKURO YOSHIDA.

OMAHA, NEBR., *January 2, 1955.*

Hon. ROMAN L. HRUSKA,
Washington, D. C.

SIR: I am a medical student at the University of Nebraska College of Medicine in Omaha. While taking my premedical training at Doane College, Crete, Nebr., I roomed with a Japanese boy named Chocura Yoshida, who came to this country in January 1951. His student visa will expire shortly after his graduation from Doane in June 1955, and he is scheduled to return to Japan at that time.

Choc would like to become a citizen of the United States. We have investigated the possibility of his becoming eligible for naturalization by service in the Armed Forces. Under present enlistment, draft, and immigration regulations, however, it is not possible for him either to enlist or to be drafted.

The problem is this: Choc is at present on a student visa. To be eligible for naturalization, he must be on an immigration quota. The Immigration Service does not have power to transfer him from a student visa to an immigration quota. There are two ways for him to get on such a quota: (1) Return to Japan when his student visa expires in June 1955, and apply as an immigrant to the United States. I understand that the quota for Japanese is small, so his chances here would not be great. (2) The United States Congress has authority by special act to transfer an alien from a student visa to an immigration quota. I understand that you may be in Omaha next week, and I would like to ask the favor of an appointment with you at your convenience to discuss the possibility of your proposing such a special act in Choc's behalf.

Let me give you more personal information about Choc. He is 23 years old, and was born in Hiroshima, Japan, where his father (a physician), his mother, and two sisters were killed in the 1945 atomic-bomb explosion. A younger sister is still living there. Because of the death of most of his family, the Cooper Foundation awarded Choc a 4-year scholarship to study at Doane College, and the United States Army furnished his transportation to the United States. He has taken a premedical course, has made a good record and many friends, will graduate with an A. B. in June 1955, and would like to enter an American medical school.

When Choc arrived at Doane in 1951, he was assigned a room with another Japanese boy, but soon asked for an American roommate because he wanted "to be an American boy and learn how Americans live." We lived together for the next 1½ years. During that time and since, he has said many times, "This is my country, Jack. I wish I could be a citizen." I will sincerely appreciate any-

thing you can do to help us grant him this wish. He loves our country very much. We could be proud to have him as a fellow citizen.

Sincerely,

JACK KAUFMANN.

WAYNE CITY SCHOOLS,
Wayne, Nebr., May 31, 1955.

Senator ROMAN HRUSKA,
Senate Office Building, Washington, D. C.

DEAR SIR: It has been brought to my attention that there is a bill before Congress which would allow aliens to volunteer for 2 years service in the Armed Forces of the United States, after which they would become citizens.

Chokuro Yoshida, a survivor of the Hiroshima bombing, would like very much to take advantage of this bill. "Choc" received his bachelor of arts degree from Doane College, Crete, Nebr., this spring, with a major in physical sciences. During his 4 years in college Mr. Yoshida became completely Americanized, and won the friendship of all those who met him. Since both his parents were killed in the atomic blast, there is little incentive to return to Japan, which he will have to do by fall if the aforementioned legislation is not passed.

I consider it an honor and privilege to write this letter in "Choc's" behalf, and urge you to do whatever possible to help this grand little guy remain in this country.

Respectfully yours,

EARL GREEN,
Instrumental Music Director.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 763) should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 900

WONG NAN LING AND WONG NAN FEE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 836]

The Committee on the Judiciary, to which was referred the bill (S. 836) for the relief of Wong Nan Ling and Wong Nan Fee, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor children of a United States citizen the status of nonquota immigrants which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiaries of the bill are 19- and 17-year-old Chinese brothers who are residing in Macao, China. Their mother is dead and they live with their aunt. Their father is a United States citizen who has remarried and is living in Memphis, Tenn. He served in the United States Armed Forces during World War II. The father attempted to bring the beneficiaries to the United States as United States citizens. The older boy was denied a United States passport inasmuch as he attained the age of 16 years on August 14, 1951, and appeared to have lost American citizenship under section 201 (g) of the Nationality Act of 1940. The younger boy was denied a passport on the ground that he had failed to establish the required relationship. It is claimed that additional birth evidence is impossible to obtain, since the Communists now hold that part of China where the beneficiaries were born.

A letter, with attached memorandum, dated August 13, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commission of Immigration and Naturalization with reference to S. 3536, which was a bill pending in the 83d Congress for the relief of the same beneficiaries, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 13, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3536) for the relief of Wong Nan Ling and Wong Nan Fee, there is attached a memorandum of information concerning the beneficiaries and the sponsor. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Memphis, Tenn., office of this Service, which has custody of those files.

This bill is intended to confer nonquota status upon the alien children pursuant to section 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the children shall be considered the natural-born alien children of a United States citizen.

As quota immigrants, the children would be chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WONG NAN LING AND WONG NAN FEE, BENEFICIARIES OF S. 3536

Both of the beneficiaries are residing abroad. Their father, Wong Shiu Quan, and Dr. Robert Paul Caudill, sponsor of the private bill, furnished the following information. Beneficiary Wong Nan Ling was born August 14, 1935, in Canton, China. Wong Nan Fee was born June 30, 1938, Ching San Village, Kwangtung, China. Neither have resided in the United States. Since 1945, both have resided with their Aunt Lenny Nun Soon at 34C Rua D. S. Paulo, Macao, China. Their mother is deceased. Their alleged father, Wong Shiu Quan, is a citizen of the United States.

Wong Shiu Quan attempted to bring his alleged children, the beneficiaries, to the United States as United States citizens. Wong Nan Ling was denied a United States passport by the American consul in Hong Kong inasmuch as he attained the age of 16 years on August 14, 1951, and appeared to have lost American citizenship under section 201(g) of the Nationality Act of 1940 if he ever had a valid claim to American citizenship. Wong Nan Fee was denied a United States passport by the American consul in Hong Kong on the ground that he had failed to establish the required relationship. In fact the evidence indicated that Wong Nan Fee is an imposter. Wong Shiu Quan filed a complaint for declaratory judgment in the United States district court, Memphis, Tenn., May 15, 1952, that the beneficiaries were nationals of the United States. The United States district court, on April 27, 1953, ordered that judgment be for the defendant (Secretary of State of the United States, John Foster Dulles, Attorney General of the United States, Herbert Brownell, Jr.).

Both of the beneficiaries are attending Puy Ching School in Macao. Wong Nan Ling has completed the ninth grade and Wong Nan Fee has completed the sixth grade. Both are members of the Baptist Church of Macao.

The alleged father, Wong Shiu Quan, was admitted to the United States as a citizen son of a native on June 6, 1922, at Seattle, Wash. At a later date, he returned to China and was married; the beneficiaries allegedly being born as a result of this marriage. He returned to the United States and entered the United States Air Force in July 1942, was honorably discharged in December 1945. He is presently engaged in the grocery store business in Memphis, Tenn., which he claims is valued at $12,000. He also owns one-half interest in three duplex houses valued at $20,000 and has cash assets in the First National Bank, Memphis, Tenn., of $5,000. His present wife is Pauline Wong, a United States citizen naturalized in 1952. There are no children as a result of this marriage. Mrs.

Wong is anxious for the beneficiaries to come to the United States and is willing to have them in her home as her children.

The sponsor of the private bill is Dr. Robert Paul Caudill. He is an American citizen born July 8, 1904, in Dockery, N. C. He is presently employed as pastor of the First Baptist Church, Memphis, Tenn., at an annual salary of $12,000. He listed his assets at approximately $25,000 plus his home valued at $30,000. Dr. Caudill visited with the beneficiaries in Macao in August of 1953. His interest in the beneficiaries originated with the request by the alleged father, Wong Shiu Quan, for assistance. Wong Shiu Quan is a member of Dr. Caudill's church.

Senator Estes Kefauver, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

FIRST BAPTIST CHURCH,
Memphis, Tenn., December 28, 1954.

Hon. ESTES KEFAUVER,
United States Senate,
Washington, D. C.

DEAR FRIEND ESTES: In view of the fact that Congress will reconvene in the near future I am writing you this added word to express the hope that you will do all within your power to see that the case of the Wong children will have early attention.

It seems to me so right and just that the children should be admitted to the United States that I will not be able to rest until the case is finally settled in their favor.

Should it be necessary for me to do so I would be more than glad to come to Washington to testify before the special committee concerning the Wong case.

With grateful thanks for all that you have done thus far and trusting that you and your beloved family will have a happy and prosperous new year, I remain

Sincerely yours,

R. PAUL CAUDILL, *Pastor.*

AFFIDAVIT

My name is Dr. Pak Keung Chan and I am a physician in Macao, China.

I am personally acquainted with and know Wong Nan Ling, age 18, and Wong Nan Fee, age 15, who live here in Macao with their aunt, Leung Yan Sung. I am not related to these boys in any way but have known them for more than 10 years, being their family doctor.

My records show that they are the blood sons of Wong Shui Quan and Leung Shee and that Wong Nan Ling was born in Canton, China, on the 14th day of August 1935, and Wong Nan Fee was born near Macao on the 30th day of June 1938.

The attached picture marked "Exhibit No. 1" with my signature on the back, correctly represents the likeness of Wong Nan Ling, on the left, and Wong Nan Fee, on the right, as I first knew them many years ago. The woman in the middle is their aunt, Leung Yan Sung, with whom they live.

The attached picture marked "Exhibit No. 2," with my signature on the back, correctly represents the likeness of Wong Nan Ling, as I know him now and he is the same boy shown on the left in exhibit No. 1, when he was then several years younger.

The attached picture marked "Exhibit No. 3," with my signature on the back, correctly represents the likeness of Wong Nan Fee as I know him now, and he is the same boy shown on the right in exhibit No. 1.

I have known and seen both these boys frequently during the many years I have known them and they have always been held out and known as the blood sons of Wong Shui Quan and Leung Shee. They both attend the Pui Ching Middle School where they have been students for many years and they are boys of excellent character and reputation.

Dr. PAK KEUNG CHAN, M. D.

Sworn to and subscribed before me this 28th day of August 1953.

[SEAL]

GUSTAVO HOLASOO,
Notary Public, Macao.

MEMPHIS, TENN., *December 24, 1954.*

Re Wong Nan Ling and Wong Nan Fee

Hon. ESTES KEFAUVER,
Senator, United States Senate,
Washington, D. C.

DEAR SENATOR: As the new Congress will start shortly, we want to write you about this case and see if there is any way any assistance can be given in presenting and pushing Wong's cause before the Immigration Committee. We know you are doing all you can and that such efforts cannot be measured in words; and Wong and his family have explicit faith in you although they too are handicapped by inadequate ways of expressing their feelings.

Let me briefly review this matter so that you will have the whole picture:

When Wong's two boys were both under 16 years of age, an application was made to the consul at Hong Kong, to permit them to come to Memphis as American citizens under the Nationality Act of 1940. Both boys were "interviewed" by the consul's staff and as a result the consul ruled that the younger boy was possibly an imposter and the application to both was refused.

Following this a suit was filed in the Federal district court in Memphis to try to get the boy's identity established. Judge Boyd ruled that as we had no documentary proof of birth of either boy, he could not grant our petition. In making his ruling, the judge held that our proof had to go beyond a preponderance and be clear, convincing, and certain, and that oral evidence of relatives and parents present at birth was not sufficient. He held that his decision was based on the lack of documentary proof and evidence from nonrelatives. He also ruled that the "interviews" held by the consul's staff was not to be considered. Wong did not have sufficient finances to appeal.

Following this, Dr. Paul Caudill, on his own, made a trip to Hong Kong and Macao (where the boys are staying) and personally investigated the case in an effort to get documentary and other evidence.

He found that in China no records or other documents are made or kept of any birth, marriage, or death, and no proof of that nature was available. He did get sworn statements of 10 nonrelatives including a doctor, lawyer, banker, and school principal all of whom had known both boys as Wong's sons for 10 years or more. These affiants identified pictures of both boys at various ages as the sons of Wong. All of that data was given to the consul at Hong Kong who promptly rejected it and was sustained by the State Department in Washington. These sworn statements and pictures were shown to Judge Boyd but as his authority expired with the time for appeal he would make no statement other than to advise that we forward our information to the State Department and see if they would reconsider their decision. This was done through your office, but again there was a refusal.

It was then that we asked you to institute a bill in Congress to let the boys come to Memphis as aliens and live with their father. Your bill and, we presume, one from the House, is now before the committee. The Justice Department's representative has completed his investigation here.

Estes, I personally feel that a grave injustice is being done in this case and here are the reasons:

Degree of proof: Nowhere in our law is there any rule of evidence requiring documentary proof to establish identity. On the other hand, the law of every State and the Federal courts recognizes as evidence, the oral identity of a person, and especially by a relative in paternity matters. And nowhere, have I found any case (even in proof of identity in citizenship cases) that requires more than a preponderance.

True our evidence is mostly oral (the doctor, banker, and school principal had some records) but it was positively given and covered the period from the birth of the boys, with some affiants being present at the birth, clear up to and past the date of this case.

As there was no documentary evidence, no other than oral evidence was available. And none of this evidence has been denied or even disputed. On the other hand, there is not one iota of evidence that these boys are not Wong's sons. Nothing.

And even taking the consul's "interview" there is no evidence that these boys are not Wong's sons. All it shows is that the younger boy differed with his older brother as to whether they lived first in a hotel or an apartment. Imagine saying you, Estes Kefauver, was an imposter because you could not correctly remember, not that you lived in Madisonville when you were 5 years old, but whether or not you lived in a particular house in that city. And to cap it all that "interview"

itself shows the younger boy (age 12 then) was crying as a result of questions and even while crying he said "I know I am Shu Wong's son." A Federal reported case of a similar "interview" was highly criticized by the court who said that the consul could not pick out some isolated feature and ignore the rest of the interview; and further saying that memory of such matters (particular place of abode and dates) was bound to be confused and only proved that such memory was not infallible. That and many other cases held that oral proof of identity was sufficient.

I say to you in all frankness that the hysteria of the times caused this case to turn out as it did—not any question of evidence; and therein lies the injustice. I do not say our consul or the State Department acted in bias or animosity but simply that they feel that too many Chinese are improperly applying for admission and are therefor excluding everyone that cannot prove such right by documents. I can understand this form of hysteria and do not attempt to minimize the enormity of its burden on our representatives. But the justice and fairness of our system of law and government should not allow this father (an American citizen, decorated soldier, and stanch believer in this Nation) and his sons to be forever separated because there is no document that records their birth as Wong's sons, especially in face of the undenied evidence that is some proof.

Let me say that it is a basic principle of the United States that no nation will endure that does not recognize and do justice, and we as a nation cannot afford to shortchange that principle. All our laws and edicts are enacted to uphold this principle and this very principle calls for justice in all laws. This case fits such justice squarely. Can we deny these boys, by calling for documents that do not exist and at the same time refuse evidence of the eyes to the same thing? Is it justice to demand a degree of proof known to be impossible to produce? If so, you and I had better begin to worry as no document was filed at the time of my birth and as far as I can tell, none at yours. True we have "delayed certificates" but they came from oral evidence, the same kind of evidence that is here rejected as "not sufficient." Justice—what has Wong done, to deserve such treatment? Where is he so different from you and I that his (and his cousins, also United States soldiers in World War II) sworn words are branded lies without any proof?

Now in argument for the approval of your bill, let us assume as proper because of world conditions and hysteria of these times, but never admit, the position of the consul and State Department in requiring strict, clear, and convincing proof before granting the right of citizenship. We, through your bill, are not asking for citizenship; it asks only that these boys be allowed to enter this country as nonquota aliens. Under such admission our country is fully protected should such aliens be undesirable. All that is being done by approving the bill is to acknowledge the justice of the oral evidence of these boys' identity. (The new Immigration Act allows children to come here as nonquota immigrants.)

As you can see, I feel very strongly about this case and so does Dr. Caudill. Either or both of us will be glad to come to Washington and appear before the committee if you deem advisable. Dr. Caudill, pastor of the second largest Baptist Church in the South and world renown in his profession, has known Wong some 15 years; he has seen the boys personally and investigated their identity in China. He would make an excellent witness both as to character and facts. I have known Wong since 1948 as a result of our mutual interest in our Senator. I am proud to know him especially because of this continued faith and loyalty in this country despite the shameful way he has been received in this case.

We ask you personally, to continue to do all you can to see that this man and his two sons are united in this Christian country where the meaning of justice is not a joke and a mockery.

With every good wish for you at this Christmas Season and for your continued service to your fellow man

Sincerely,

HEARD H. SUTTON,
Attorney at Law.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 836) should be enacted.

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Calendar No. 908

84TH CONGRESS
1st Session

SENATE

REPORT
No. 901

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DR. KLAUS HERGT

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 893]

The Committee on the Judiciary, to which was referred the bill (S. 893) for the relief of Dr. Klaus Hergt, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Klaus Hergt. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill, inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Germany who last entered the United States on September 18, 1952, as an exchange student. He is a physician and was graduated from the University of Mainz, Germany. He served as an intern at Saginaw County Hospital, Michigan, from September 1952 to December 1954, and is presently employed at Mercy Hospital in Bay City, Mich. He was married to a native-born United States citizen December 22, 1953, and has 1 citizen child and 1 citizen stepchild. The beneficiary's wife is in ill health as a result of lung surgery in the treatment of tuberculosis and if he were required to return to Germany to obtain a visa, it would result in hardship to his family.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE.
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 893) for the relief of Dr. Klaus Hergt, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Flint, Mich. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE RE DR. KLAUS HERGT, BENEFICIARY OF S. 893

The beneficiary, Dr. Kalus Hergt, was born October 2, 1926, at Weimar, Germany, and is a citizen of Germany. He was married in Germany on July 31, 1949, to one Hildegard Otto, and this marriage terminated in divorce on March 2, 1952. A son born to the beneficiary of this marriage died in Germany in 1950. The beneficiary married a native-born United States citizen, Earldeen Agnes Dusek, nee King, at Saginaw, Mich., on December 22, 1953. He has a daughter Deanna Alice Hergt, born February 1, 1954, and one stepson John Phillip Dusek, both of whom reside with the beneficiary and his wife at 512 George Street, Midland, Mich.

Dr. Hergt is a physician who graduated from the University of Mainz, Mainz, Germany on June 5, 1951, and thereafter studied as a postgraduate at the same university for 1 year. He has worked as an intern in the United States from September 1952 to December 1954, and from April 19, 1955, to the present time. He is presently employed at the Mercy Hospital in Bay City, Mich., in noncredit research at a salary of $250 per month. The beneficiary's assets amount to approximately $2,200 and consist of household goods and an automobile. The beneficiary has no relatives in the United States other than his immediate family. His parents and one sister reside in Germany.

The beneficiary entered the United States as an exchange student at New York, N. Y., on September 18, 1952. The time of temporary stay has been extended to September 16, 1955. On December 14, 1954, the beneficiary's sponsor, Dr. V. K. Volk, medical superintendent of the Saginaw County Hospital, requested release from further responsibility concerning Dr. Hergt. It has been established that the beneficiary was discharged from duty on that date and that Dr. Volk has thereafter refused to reemploy him. A warrant for his arrest was issued on March 10, 1955, charging that after his admission to the United States as an exchange student, he failed to maintain the status under which he was admitted. On June 8, 1955, the beneficiary was accorded a hearing and was found to be subject to deportation on the charge stated in the warrant of arrest. He was ordered deported from the United States.

Dr. Hergt has concentrated on biological research. He has published 3 reports of research containing medical problems and has 1 report which is still in print. In March 1955, he took an oral examination given by the State medical board at Lansing, Mich., for rotating interns. The beneficiary failed that examination and has stated that he will have to review before being able to pass it, inasmuch as the examination covered phases of medicine, many of which had not recently been studied by him.

The beneficiary was a member of the Hitler Youth in Germany from 1936 to 1944 and a member of the Nazi Party and General SS from 1944 to 1945, but has stated that all membership was known to and investigated by the American consul in Germany prior to the issuance of the beneficiary's visitor's visa.

Senator Pat McNamara, the author of the bill, has submitted a nnmber of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
April 13, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
Senate Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: In support of my bill S. 893, I am attaching the documents and communications received by this office which will be of interest to your committee.

You will note from the correspondence that Dr. Hergt's professional qualifications include a mdeical degree cum laude from the University of Mainz in Germany, postgraduate work in biochemistry, a considerable number of articles in professional publications, and, of course, his highly commended research work with the Saginaw County Hospital in Saginaw, Mich.

In addition to the personal qualifications that would make Dr. Hergt so obviously gifted an addition to our citizenry, there are personal factors which I feel should be given special consideration in this case.

Dr. Hergt is married to an American woman, the mother of a young child, aged 4, by a previous marriage. There is also another child, less than a year old, issue of the present marriage. Mrs. Hergt's health has been seriously affected by extensive lung surgery as a result of pulmonary tuberculosis. Her physician, Dr. John Wm. James, advises that without Dr. Hergt's physical help the children cannot be taken care of by Mrs. Hergt without straining her condition beyond endurance.

The family situation is such that even a temporary interruption, such as Dr. Hergt's return to his native country to await a regular quota reentry, would create an unbearable burden on his American family. Not only would the usual hardships of a broken family devolve on them, but the medical situation might necessitate breaking up the family so that the children could get adequate care during the father's separation from them.

In view of the fact that Dr. Hergt, as evident from the record, would make a highly desirable citizen in every respect, it seems needlessly cruel and wasteful to insist on his deportation.

If your committee needs any additional information, my office will do everything possible to obtain it for you.

Your favorable consideration of this bill will be appreciated.

Sincerely,

PAT. MCNAMARA,
United States Senator.

SAGINAW, MICH., *February 7, 1955.*

Re Dr. Klaus Hergt, Saginaw, Mich.

Senator P. MCNAMARA,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Mrs. Earline Hergt, wife of Dr. Klaus Hergt, is under my medical care for a healed pulmonary tuberculosis.

She has two children ages 4 and 1 years respectively, and without his physical help, caring for these children would work a real hardship on her.

If it becomes necessary for him to return to his native country the children would either be neglected or her physical condition would be strained beyond her endurance.

Sincerely,

JOHN W. JAMES, M. D.

MIDLAND, MICH., *January 25, 1955.*

Office of Senator PATRICK MCNAMARA,
Senate Office Building, Washington, D. C.
(Attention Mr. David Connery.)

DEAR SIR: Mr. Kenneth Forbes, Saginaw, Mich., spoke to Mr. Racy, Detroit, Mich., on my behalf and both encouraged me to submit my problem concerning my immigration into the United States to you.

I am in the United States since September 18, 1952, as a visitor. The status of my visa is specified on the accompanying sheet No. 1. During my stay I married Earlding A. King, born in Saginaw, Mich., and one son, of the previous marriage of my wife, also born in Saginaw, Mich.

I would like to become a citizen of the United States of America. The reasons for this desire are given on sheet No. 1.

The local Immigration and Naturalization Service, Flint, Mich., informed me that in order to immigrate into this country I first have to leave the United States and have to apply from abroad. Then I will be classified as a nonquota immigrant.

Special personal reasons, however, make it desirable that an exception may be granted and my visa be transferred to that of an immigrant. These reasons lay in the fact that my wife had been subject to extensive lung surgery (excision of two lung lobes) due to tuberculosis in October 1952. She, therefore, is of limited working capacity. Our family depends solely on my personal income. My wife would be unable to care for the children and a living at the same time.

My return to Europe would therefore result in considerable hardship on the health of my wife.

Since it was impossible to prolong my working contract, I have to prepare my departure from the United States for February 10, 1955, from New York.

Data pertinent to my professional and personal standing are enclosed. I would greatly appreciate any assistance I may receive in my cause.

Gratefully,

KLAUS HERGT, M. D.

PROFESSIONAL INTERESTS

During my professional education, university training for physicians, I became early interested in basic problems common to all or at least groups of the various medical fields. I substantiated this interest by experimental work in the various more theoretical fields of medicine as for instance pathology, pharmacology, and bacteriology. Later I also tried to gain a deeper understanding for the basic chemical and physicochemical mechanisms involved in biological reactions both by theoretical studies and by experimental research in the Physiological-Chemical Institute in Mainz, Germany. There I also acquired some practical experience in teaching of medical students.

In clinical work on tuberculosis and other contagious diseases I gained some practical medical experience. Research on the state of chronically diseased patients with tuberculosis considered and attempted a therapeutical correction of alterations in the body not primarily connected with the disease, but occurring concomitantly and being themselves adverse to a full recovery. Factors determining the general reaction of the body to infection received particular attention.

On the basis of these various influences and experiences I feel, that consideration of the body as a functional unity in health and in disease will help to advance both prevention and treatment of diseases. I am particularly interested in factors determining the resistance to infections.

It is my sincere hope, that I would have the opportunity to gather more experience and to pursue further investigation along this thinking.

SAGINAW COUNTY HOSPITAL,
Saginaw, Mich., February 12, 1955.

Hon. PATRICK V. MCNAMARA,
United States Senator,
United States Senate, Washington, D. C.

DEAR SENATOR MCNAMARA: Saginaw County Hospital has an exchange training program approved by the State Department. At the present time we have several professional persons from Germany on our staff who are receiving training here and doing a good job.

About 2 years ago we brought Dr. Klaus Hergt from Germany to Saginaw County Hospital. He was assigned to work on a nutrition study which is being carried out in cooperation with the Mott Foundation. While here Dr. Hergt married an American woman and has a child.

While I have no complaint as to Dr. Hergt's professional skill, his conduct was unbecoming a member of our staff due to his effrontery and insolence, and for these reasons he was separated from any connection with Saginaw County Hospital. In line with the provisions of the exchange training program dealing with like situations, proper notification was sent to the district immigration office in Flint, Mich. Termination of Dr. Hergt's services will necessitate his return to Germany.

Dr. Hergt is now trying to convert his status from an exchange person to that of an immigrant and I understand he will be asking your assistance. If he succeeds in doing this, his dismissal from our service would actually be a reward for his misdeeds.

On behalf of the board of trustees, I therefore request no consideration be given to Dr. Hergt to remain in America at this time. I have several other German physicians on our staff who are far more deserving of consideration in becoming American citizens than Dr. Hergt, and none of them is giving a thought to receiving special consideration.

However, for the sake of Dr. Hergt's wife and child, the county hospital will place no obstacle in the path of his return to America in due time and through the regular channels.

In the event that Dr. Hergt should request your assistance and you desire further information from us, I shall be glad to supply it.

Sincerely yours,

V. K. Vole, M. D., Dr. P. H.,
Medical Superintendent.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 893) should be enacted.

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Calendar No. 909

84TH CONGRESS, 1st Session | SENATE | REPORT No. 902

MR. AND MRS. ANDREJ (AVRAM) GOTTLIEB

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 963]

The Committee on the Judiciary, to which was referred the bill (S. 963) for the relief of Mr. and Mrs. Andrej (Avram) Gottlieb, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mr. and Mrs. Andrej (Avram) Gottlieb. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 35- and 40-year-old husband and wife who are citizens of Israel. They entered the United States at New York on November 4, 1953, when they were admitted as visitors. The husband has resided in the area now called Israel for 15 years; his wife for nearly 20 years. They were married in Tel Aviv on June 24, 1948. They have no children. The male beneficiary had on two occasions procured visas to the United States but was unable to use them because of circumstances beyond his control. He left Prague in 1937, thus missing the receipt of a United States visa. Then on January 29, 1948, a visa was granted him which expired 4 months later. He claims that he was unable to use this visa because of the Arab-Israel war. The beneficiaries have combined assets in Israel of $25,000, including an interest in an industrial firm. In the United States they are maintained by relatives, including three uncles of the male beneficiary who are United States citizens.

A letter, with attached memorandum, dated November 8, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commission of the Immigration and Naturalization Service with reference to S. 3829 which was a bill pending in the 83d Congress for the relief of the same aliens reads as follows:

NOVEMBER 8, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3829) for the relief of Mr. and Mrs. Andrej (Avram) Gottlieb, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quotas.

Mr. Gottlieb is chargeable to the quota of Czechoslovakia, and Mrs. Gottlieb to the quota of Austria.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MR. AND MRS. ANDREJ (AVRAM) GOTTLIEB, BENEFICIARIES OF S. 3829

Avraham or Avram Gottlieb, whose Czech name is Andrej Gottlieb, was born in Kosice, Czechoslovakia, on June 9, 1920. His wife, Jenny Gottlieb, nee Binder, was born in Vienna, Austria, on September 27, 1915. The beneficiaries are citizens of Israel, the country of their last foreign residence. They entered the United States together at New York, N. Y., on November 4, 1953, at which time they were admitted as visitors for pleasure until April 4, 1954. Mr. and Mrs. Gottlieb have received two extensions of their temporary period of admission, the last to expire on November 3, 1954.

Mr. Gottlieb has testified that on two occasions an immigration visa for entry into the United States was issued to him. However, he has stated that the outbreak of World War II led to the expiration of the first visa and his eligibility for Israeli military service prevented him from using the second.

The beneficiaries, married in Tel Aviv, Israel, on June 24, 1948, are childless. Mr. Gottlieb resided in Israel from 1937, and Mrs. Gottlieb from 1933. Each has claimed to have attained a secondary education and additional vocational training. They have stated that they have combined assets in Israel totaling approximately $25,000, including an interest in an industrial firm. In the United States they are maintained by relatives, including three uncles of Mr. Gottlieb who are citizens of this country. The parents of the beneficiaries are deceased. Mrs. Gottlieb has a brother and sister residing in England, and a second sister residing in the western sector of Vienna, Austria.

Senator Mike Monroney, the author of the bill, has submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
June 3, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR HARLEY: In order to assist you and your committee in the consideration of S. 963, I am submitting the following information on Andrej (Avram) Gottlieb. Mr. Gottlieb, who is the nephew of a constituent and very good friend of mine, began his efforts to become an American citizen more than 15 years ago. Because of circumstances beyond his control, he has never been able to exercise the immigration visas which he applied for and received on two occasions.

Gottlieb was born in Czechoslovakia. He lived there until he was forced to flee his country because of the war in Europe. Prior to leaving, however, he had

applied for an immigration visa and eventually his application caught up with him in Jerusalem. During the war, of course, all immigration was stopped and Gottlieb was unable to leave for this country.

While employed in the Middle East, Gottlieb learned that his parents had died in concentration camps. Having no reason to return to his native country, he once again applied for an immigration visa. On January 29, 1948, he received immigration visa No. 1726. Once again he was prevented from exercising his visa, this time by hostilities in the Middle East.

Meanwhile, Gottlieb married Miss Jenny Binder, also a citizen of Israel, and in late 1953 he and Mrs. Gottlieb entered this country on a visitor's visa. Extension of the visa and pending legislation have enabled them to remain in the United States, where Mr. Gottlieb has numerous relatives.

Three of Mr. Gottlieb's uncles are United States citizens living in Oklahoma, and have been in this country for over 50 years. Two aunts live in New York. One has been in this country since 1913; the other since 1921. All these relatives are responsible citizens, and are financially able to assure that Mr. and Mrs. Gottlieb will never become public charges.

Considering the background and circumstances of this case, the bill for the relief of Mr. and Mrs. Gottlieb certainly appears to be a worthy one and deserving of the committee's favorable consideration. Mr. Gottlieb has tried on different occasions to enter the United States through the regularly established procedure, and each time has been prevented from doing so by events over which he had no control.

Enactment of S. 963 will permit Mr. Gottlieb and his wife to remain here, and I am confident they will become useful and responsible citizens, as have the relatives of Mr. Gottlieb whom I have had the pleasure of knowing as well as representing in the Senate.

With kindest personal regards, I am,

Sincerely yours,

MIKE MONRONEY.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 963) should be enacted.

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Calendar No. 910

84TH CONGRESS, 1st Session | SENATE | REPORT No. 903

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GUST KOSTAS KOUNTOUPIS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1036]

The Committee on the Judiciary, to which was referred the bill (S. 1036) for the relief of Gust Kostas Kountoupis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Gust Kostas Kountoupis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Greece who last entered the United States at Norfolk, Va., on February 13, 1948, as a seaman. He married a United States citizen on January 19, 1950, and they have a child born October 21, 1950. The marriage was terminated by divorce October 1, 1951, and shortly thereafter, the mother remarried but has instituted divorce proceedings against the second husband. She also has a child by the second husband. The beneficiary has met and exceeded the legal requirements of providing support for his child. He also supports his mother and sister, both of whom live with him, and both of whom are legal resident aliens of the United States.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1036) for the relief of Gust Kostas Kountoupis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

Mr. Kountoupis is chargeable to the quota from Greece.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GUST KOSTAS KOUNTOUPIS, BENEFICIARY OF S. 1036

Gust Kostas Kountoupis, also known as Constantine Kostas Kountoupis, a native and citizen of Greece, was born August 10, 1922. He was married on January 19, 1950, to Katherine N. Romas, a native and citizen of the United States, but this marriage was terminated by divorce on October 1, 1951, and he has not remarried. He has one daughter, Penny Kountoupis, who was born in Detroit, Mich., on October 21, 1950, and who resides with her mother at 4761 Brandon Street, Detroit Mich. In compliance with the terms of the divorce decree, the beneficiary contributes $10 each week to the support of his child.

Mr. Kountoupis resides at 14821 Sussex Street, Detroit, Mich. He has an equity of $6,000 in his home which he purchased at a cost of $16,800. The beneficiary is self-employed as a paint contractor and is the part owner of a paint contracting firm in which he has $2,000 invested. He has an elementary-school education and is an experienced painter.

Mr. Kountoupis' parents were born in Greece. His father is deceased. His mother, Maria (Spanos) Kountoupis, a citizen of Greece and a legal resident of the United States, resides with the beneficiary. He has 2 sisters and 1 brother residing in the United States and 3 sisters and 1 brother residing in Greece.

The beneficiary last entered the United States at the port of Norfolk, Va., on February 13, 1948, when he was admitted as a member of the crew of the steamship *Navigator* for a period of not to exceed 29 days. He never applied for or received any extension of his temporary admission. Deportation proceedings were instituted against him on November 28, 1950. On December 12, 1950, he was accorded a hearing and found to be subject to deportation for having remained in the United States for a longer period of time than permitted by the terms of his temporary admission. Voluntary departure was authorized, but when the beneficiary failed to depart, a warrant for his deportation was issued on May 5, 1954. The beneficiary has appealed his case to the Board of Immigration Appeals on numerous occasions. On January 13, 1955, the Board denied a motion to reopen and reconsider his case.

Mr. Kountoupis has no military service in the United States or any other country. He has not registered for selective service.

Senator Charles E. Potter, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

DETROIT, MICH., *April 27, 1955.*

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.
(Attention Hon. Charles E. Potter, United States Senator.)

DEAR SENATOR POTTER: I am grateful and truly appreciative for the interest and concern that you have shown in my immigration status and for the private relief bill which you have introduced in the Congress for my benefit.

I and my attorney have proceeded along the course that we have taken to adjust my status in the United States because it seems clear that human kindness and a concern for the welfare of one's fellowmen has been a deeply moving concern of the leaders of this country more than in any other on this earth.

My request for your help and assistance has been predicated upon two reasons. The first, and most important to me now and forever in the future, is the welfare of my minor citizen child, Penny Kountoupis, age 5. The second is the personal hardship that will befall me if I am now required to depart this country.

As to the first of my reasons for soliciting your assistance, I know that the long prior record as to my efforts with the Immigration Service and the Board of Immigration Appeals to adjust my status through their power of discretionary relief will be before you. It will tell how I have sought to be permitted to remain in this country because I am convinced that the mother of my child, in whose custody she is now by order of the circuit court of Wayne County, Mich., is neither emotionally, temperamentally, or mentally fit to adequately care for her. In this regard, the record will reveal that my former wife and mother of my child has remarried again, has had another child by this marriage, has divorce proceedings pending in the Wayne County circuit court against her second husband, and that she is now living with her 2 minor children at the home of her parents where 5 grownups and the 2 minor children live in crowded, unkept, and disorderly surroundings, and because of this I am deeply apprehensive over the well-being of my daughter.

The record will show that at the time of my original hearing on deportation at Detroit—and while our divorce was pending in court—my then wife testified in those immigration proceedings that she did not need my help for the support and care of our minor child. Yet on two occasions since then, and voluntarily on her part she has given affidavits that she was hasty at that time, that she does need my financial help in order to properly raise our child and that in her judgment now a hardship would befall our child if I were not to be able to continue the support to our child. (See copies of affidavits attached.) It seems extremely difficult to understand why this has had so little meaning and importance to those of the Immigration Service.

The second reason for my request in seeking congressional relief is based on the great personal hardship that will befall me if I am required to leave the United States. Since my arrival here, I have become proficient in the painting trade and have made a sizable investment in my brother's painting company (see exhibit A attached), have worked for other firms and have performed work under contracts procured directly by me. In addition, I have bought a home in Detroit, Mich. (see copy of warranty deed attached), own a car, material and equipment used in this trade, and have expended effort in building up a reputation and clientele in this field of endeavor.

My income permits me to keep up my home, care for my child, spending for her far in excess than what I am required to pay by order of the court, care for my investment in my business and trade, and finally I am caring for my mother and sister (Mrs. Maria Kountoupis and Miss Angeline Kountoupis), both of who are living with me at my home and I am fully supporting them.

If I were to be required to leave the United States, I would—most important—be unable to continue the care, maintenance, and support of my daughter, and her care and welfare would be in serious jeopardy. I would also lose much of what I have invested in business and would take a loss in liquidating my home. Furthermore, I have no business contacts in any other part of the world and my years of learning a new trade and business would be lost and wasted. The only other work I ever done was on commercial ships as a laborer and my age now would be against my possibility of being able to return to that work, not to mention that I would never be able to earn enough to care for my child, myself, and meet my obligations.

I come back to my concern for my minor daughter. Her mother, now separated again with still another baby to care for, is unsuited to properly manage her needs. The money I furnish her is absolutely necessary to assure for her well-being. It would be a simple thing to leave if no one behind existed that needed me. To be strongly convinced—on the facts—that the contrary is true, makes the possibility of leaving a loved one a difficult and almost cruel alternative which I hope I can be spared, for if I leave, when shall I see my child again and in what plight and condition.

Please also find attached three affidavits from persons who have personal knowledge of the facts which pertain to my former marriage, my child, and myself. I will appreciate your study and consideration of them.

With my heartfelt thanks in advance,

Sincerely,

GUST KOSTAS KOUNTOUPIS.

AFFIDAVIT OF KATHERINE PIROVOLOS (FORMERLY KATHERINE KOUNTOUPIS)

STATE OF MICHIGAN,
County of Wayne, ss.

Katherine Pirovolos, being first duly sworn, deposes and says:

1. That she resides at 2441 Trumbull Avenue, Detroit, Mich., that she is of legal age and a citizen of the United States by birth.

2. That this affidavit is being made for the benefit of Gust Kostas Kountoupis, 0800-78815, a nonimmigrant who has been previously afforded proceedings by the Immigration and Naturalization Service at Detroit, Mich.

3. That as appears in the proceedings aforementioned, your affiant was formerly the wife of Gust Kostas Kountoupis, but that said marriage was terminated by divorce in the circuit court for the county of Wayne, Mich., on October 1, 1951.

4. Further, that of that marriage there was born to us on October 21, 1950, a daughter, Penny Kountoupis, whose age now is 4 years and the custody of which child is in my care by appropriate order of the court. She is now living apart and away from me.

5. Affiant further states that on May 2, 1954, I was married to George Pirovolos at Detroit, Mich., and that I now reside with him. Further, affiant states that a child out of this marriage is now expected sometime in February 1955 and that this will constitute my second child.

6. That as previously stated in my affidavit under date of April 21, 1953, I am compelled to alter and change the testimony I gave at a hearing on February 14, 1951, at which time I said I would not need the weekly support money I received from my former husband, Gust Kostas Kountoupis, for the support and maintenance of our child, Penny Kountoupis, in that since that date and to the present I have become aware of the reliance I have upon the weekly support money from Gust Kostas Kountoupis, for our minor child.

7. Further, practical experience and reality has shown me that with the advancing age of our child her needs and basic requirements increase; there are medical and doctor bills, clothes and necessities and the other day-to-day needs that always exceed the weekly support now paid but which are furnished by Penny's father whenever the expenses arise.

8. That your affiant verily states that Gust Kostas Kountoupis has complied with his monetary obligations toward our minor child and has demonstrated love and affection and has displayed at all times the full concern that a good father does for a child he loves.

9. That for the foregoing reasons, your affiant as previously indicated in her affidavit of April 21, 1953, is of the resolute conviction that if Gust Kostas Kountoupis is required to depart the United States that the loss of support money now being forthcoming from him and the loss of that money expected from him until our child becomes of age will constitute to our minor child a serious and burdensome economic hardship.

10. That this affidavit is made and uttered solely upon the truth, facts, and circumstances related herein as affects our minor child and that it is given freely and without procurement and for the further purpose of reiterating and renewing my earlier prayers and requests.

Further affiant sayeth not.

KATHERINE PIROVOLOS
(Formerly Kathenrie Kountoupis).

STATE OF MICHIGAN,
County of Wayne, ss:

Katherine Pirovolos, formerly known as Katherine Kountoupis, being first duly sworn, deposes and says that she has read the foregoing affidavit by her made and subscribed and that she knows the contents thereof and that the same are true to the best of her knowledge and belief.

KATHERINE PIROVOLOS
(Formerly Katherine Kountoupis).

Subscribed and sworn to before me this 17th day of December, A. D. 1954.

ANNE KRAMER,
Notary Public, Wayne County, Mich.

My commission expires October 11, 1955.

AFFIDAVIT OF JOHN STAVROS

STATE OF MICHIGAN,
County of Wayne, ss:

John Stavros, being first duly sworn, deposes and says:

1. That he is of full legal age, a citizen of the United States and that he resides at 7260 Reuter Avenue, city of Dearborn, Wayne County, Mich.

2. That he has personal knowledge that Penny Kountoupis, daughter of Gust Kostas Kountoupis, needs the support money he furnishes for her care and support because the child's mother—and former wife of the alien, Gust Kostas Kountoupis—has remarried and that this second marriage is with a man who has limited and small means and that they have a child of their own, that the child's mother is working and that she has to leave the children with relatives and friends and that because of this, whatever is furnished the child by Gust Kostas Kountoupis is very much needed.

3. Your deponent further states that he knows Gust Kostas Kountoupis for a considerable length of time and that he has always worked hard, and has expressed great concern for the welfare of his child, Penny Kountoupis, and is worried for her well-being.

4. That over the period of time he has known Gust Kostas Kountoupis he has always been law-abiding, that he has expressed his love and attachment for this country and believes in the form of government we enjoy and that he is of a good character so that he would be a good citizen if he were given the opportunity to remain in this country.

5. This affidavit is freely given and in behalf of Gust Kostas Kountoupis.

Further deponent sayeth not.

JOHN STAVROS.

Subscribed and sworn to before me, a notary public for the county of Wayne, Mich., on April 7, 1955.

ANNE KRAMER,
Notary Public.

My commission expires October 11, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1036) should be enacted.

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Calendar No. 911

84TH CONGRESS, 1st Session | SENATE | REPORT No. 904

ANGEL FERATERO MADAYAG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1042]

The Committee on the Judiciary, to which was referred the bill (S. 1042) for the relief of Angel Feratero Madayag, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angel Feratero Madayag. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of the Philippines who entered the United States on August 12, 1952, at Honolulu, T. H., when he was admitted as a student to take advanced engineering. In 1954 he graduated with a master's degree in aeronautical engineering from Purdue and thereupon accepted employment with AiResearch Manufacturing Co., in Los Angeles, Calif. The company officials value his special talents highly and claim that he is an exceptional find and that it would be very difficult, if not impossible, to replace him. The beneficiary applied for adjustment of status but it was denied because a quota immigrant visa was not immediately available.

A letter, with attached memorandum, dated May 12, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 12, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1042) for the relief of Angel Feratero Madayag, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of the Philippines.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGEL FERATERO MADAYAG, BENEFICIARY OF S. 1042

The alien, Angel Feratero Madayag, who is single, a native and citizen of the Philippines, was born on January 27, 1929. He resides at 622–C Regent Street, Inglewood, Calif. He is employed as an engineer by the AiResearch Manufacturing Co., Los Angeles, Calif., at a salary of $5,400 a year. He is by profession an engineer, and testified that he obtained a Bachelor of Science degree in engineering at the FEAT University, Philippine Islands, and obtained a master's degree at the Purdue University, Lafayette, Ind. His assets total approximately $750, consisting of an automobile and savings account. His parents and one sister reside in the Philippines. He has one uncle, a naturalized United States citizen, residing at Apple Valley, Calif.

The beneficiary entered the United States on August 12, 1952, at Honolulu, T. H., being admitted as a student until August 11, 1953. Extensions of his temporary stay were extended, the last of which expired on January 1, 1955. He abandoned the status of student by accepting employment, and on January 28, 1955, he applied for adjustment of status to that of a permanent resident. This application was denied for the reason that a quota immigrant visa was not immediately available to the applicant at the time of filing his application for adjustment. On March 31, 1955, a warrant of arrest in deportation proceedings was issued against him. No hearing under that warrant has yet been held.

Senator Estes Kefauver, the author of the bill, has submitted a number of letters and documents in support of the bill, among which is the following:

AIRESEARCH MANUFACTURING CO.,
February 1, 1955.

To: L. A. Egaas.

Subject: Information on A. F. Madayag, to be used in obtaining his permanent residence permit.

Mr. A. F. Madayag has been employed under my supervision in the stress and vibration project, preliminary design department, since October 15, 1954. During which time he has demonstrated excellent academic training, good work habits, and the ability to learn quickly the unusual and difficult techniques of stress and vibration analysis which we find necessary to use on the class of equipment designed at AiResearch.

Mr. Madayag received his bachelor of science degree from the FEATI Institute of Technology, Manila, Philippine Islands. During the time Mr. Madayag spent in the university, he maintained a high enough scholastic standing to be rated a "scholar" and, as a consequence, was not required to pay tuition fees. After graduating from FEATI, Mr. Madayag taught mathematics for 1 year at Mountain National Agriculture School. Mr. Madayag then came to the United States in 1952 and entered Purdue University where he received the degree of master of science in aeronautical engineering in May 30, 1954. During his first year in Purdue, Mr. Madayag was on a foreign student scholarship and during his second year was on a half-time staff appointment.

In the course of his duties at AiResearch, Mr. Madayag performs the following kinds of work:

(*a*) Experimental and analytical determination of moments of inertia of compressor impellers, fan rotors, gas turbine wheels, and other rotating parts.

(*b*) Calculation of critical speeds of ultra-high-speed rotating machinery including gyroscopic effects of the impellers as well as nonlinerar-bearing flexibility.

(*c*) Experimental determination of critical speeds of vibration of high-speed rotating machinery, such as gas turbines and refrigeration units.

(*d*) Stress analysis of gas turbine impellers including thermal stresses.

(*e*) Stress analysis of structural components of high-speed gas turbines and refrigeration equipment.

(*f*) Stress analysis of aircraft type sheet metal structures.

It has been the writer's experience, during a number of recruiting campaigns that people having the proper training and personality makeup for stress analysis are rare individuals in an already tight labor market and that these people are discovered more by accident than design.

During the 4 months in which Mr. Madayag has been employed in the stress project, he has shown excellent promise of becoming one of our better stress analysts. I feel it would be a blow to AiResearch if we were to lose his services.

R. W. WINSLOW,
Project Engineer, Preliminary Design.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1042) should be enacted.

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Calendar No. 912

84TH CONGRESS, 1st Session | SENATE | REPORT No. 905

MAREANTHE BAICOU

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1068]

The committee on the Judiciary, to which was referred the bill (S. 1068) for the relief of Mareanthe Baicou, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mareanthe Baicou. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 74-year-old widow who is a native and citizen of Greece. She last entered the United States on June 10, 1952, at New York, as a visitor to visit her two married daughters who are citizens of the United States. For the past 2 years diseases of age have progressively become worse, and she is now badly crippled with arthritis and in addition has progressive cirrhosis of the liver. Her son-in-law who lives in Washington, D. C., is a man of financial responsibility and has submitted an affidavit of support. She is badly in need of assistance and loving care which would be denied her if she were deported to Greece.

A letter, with attached memorandum, dated June 1, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 1, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1068) for the relief of Mareanthe Baicou, there is attached a memorandum of information concerning the beneficiary. According to the records of this Service the correct name of the beneficiary is Marianthi A. Baicou. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service which has custody of those files.

The bill would grant this alien permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAREANTHE BAICOU, BENEFICIARY OF S. 1068

The beneficiary, Mareanthe Baicou, was born at Egena, Greece, in the year 1881. She last entered the United States on June 10, 1952, at New York, N. Y., and was admitted temporarily as a visitor until January 1, 1953. Her last extension expired on June 9, 1954.

Deportation proceedings were instituted on the ground that the beneficiary failed to comply with the conditions of her admission. She was found deportable and was granted the privilege of voluntarily departing from the United States. She failed to avail herself of this privilege.

The beneficiary testified that she came to the United States to visit her daughters, Mrs. Pauline Fotos of 4113 28th Street, Mount Rainier, Md., and Mrs. Evangelina Triantis of 200 Rittenhouse Street NW., Washington, D. C., and grandchildren, all of whom are citizens of the United States. She further testified that during this visit her health deteriorated, requiring medical treatment. Dr. Fofo Mezitis, 1835 I Street NW., Washington, D. C., has certified as to her failing health and that the emotional impact of leaving the United States to return to Greece may well have grave results.

The beneficiary testified her only living relative in Greece is an older brother who is in ill health, from whom she has had no word for over a year and whom she believes may be deceased.

Investigation has disclosed that Mrs. Pauline Fotos, beneficiary's daughter and the sponsor of this bill, with whom the beneficiary resides, is financially responsible and there is no indication that the beneficiary would become a public charge.

Senator Estes Kefauver, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

AFFIDAVIT OF SPONSORSHIP FOR MAREANTHE BAICOU

CITY OF WASHINGTON,
District of Columbia, ss;

Nick Triantis, being first duly sworn, does on oath depose and state as follows: That I am a naturalized citizen of the United States of America, residing at 200 Rittenhouse Street NW., Washington, D. C.

That I am desirous of acting as a sponsor for my mother-in-law, Mrs. Mareanthe Baicou, a widow, who is now in the United States on a temporary basis. I hereby agree to be responsible for providing her with all things needed for her sustenance, and I guarantee to provide for her care during her lifetime in the United States in order that she will at no time become a public charge.

I am engaged in the restaurant business in the District of Columbia, at 1918 Seventh Street NW., where I have been so engaged in business since 1940. I own my own home at 200 Rittenhouse Street NW., Washington, D. C., which home has a valuation of approximately $25,000 and is subject to a mortgage in

the amount of approximately $5,000. I am fully able to provide for the support, food, lodging, medical care and attention required by Mareanthe Baicou.

I know her to be in poor health, having no relatives abroad, her sole and entire family being in the United States. She has only 2 children, 1, my wife, and the other, Mrs. Pauline Fotos, with whom she resides. I respectfully request she be permitted to remain.

NICK TRIANTIS.

Subscribed and sworn to before me this 21st day of June 1955.

[SEAL] BEN H. GINSBURG,
Notary Public, District of Columbia.

My commission expires May 14, 1957.

WASHINGTON, D. C., *June 21, 1955.*

To Whom It May Concern:

This is to certify that I have examined Mrs. Mareanthe A. Baicou on the above date.

Mrs. Baicou is 75 years of age, obese, and has difficulty walking due to osteoarthritic of both knees. She also has advanced osteoarthritic in her shoulder and wrist which limits her ability to do much for herself.

She gives a history of having had amoebiasis in Greece and stool examinations are positive for her *E. hystolitica*. This has affected her liver. She is therefore in a very precarious state of health and will need extensive treatment in this country. I believe that any foreign travel will be very deleterious to her health.

By travel she would be deprived of the program of medical care which we have instituted, and would also be deprived of the loving care of her daughters without which she cannot recover.

BERNARD E. NUNEZ, M. D.

WASHINGTON, D. C., *May 6, 1954.*

To Whom It May Concern:

This is to certify that Mrs. Mareanthe A. Baicou has been under my professional care ever since she arrived in the United States. She has been under constant medical attention and care since August 1952.

Mrs. Baicou, who is about 74 years of age, has had a complete physical examination with laboratory studies, including blood, urine, and stool examinations at various intervals. The findings reveal and confirm that she is suffering with cirrhosis of the liver. This condition has become progressively worse since the first examination was made. In addition to this liver disease, she has, in the meantime, developed extensive osteoarthritic changes in the various joints as shown in X-ray studies. This condition is particularly noted in both of her knees. Her left shoulder and wrist are involved, which limits her ability to do much for herself. She is practically unable to walk even for a few steps, without the assistance of some member of her family. Regular examinations have indicated that her condition has deteriorated over the period of the past few months and her present state of health could be classified as poor.

As can be noted from the above facts, her condition requires constant nursing and medication. The family has been advised that extensive therapy for her osteoarthritis should be instituted in the very near future. Injections and diathermy will be of help in enabling her to get around.

Since she has no family in Greece, the emotional impact of leaving at this time and returning to Greece, may well have grave results. Based on medical findings, I am further of the opinion that extended travel with the exertions attendant to such travel would likewise exercise a dangerously damaging effect upon the delicate health of this aged patient. Equally important, she would be deprived of the program of medical care which has been developed for her requirements and the nursing care which is being given by her daughters, which would likely have immediate and serious reactions.

F. MEXITIS, M. D.

GOLDBERG & GOLDBERG

ATTORNEYS AT LAW

WASHINGTON, D. C., *February 9, 1955.*

Hon. SENATOR ESTES KEFAUVER,
United States Capitol, Washington, D. C.
(Attention Mr. Brizzi, re Mrs. Mareanthe Baicou.)

DEAR MR. BRIZZI: As per your request, we are submitting herewith a brief outline of our knowledge of Mrs. Mareanthe Baicou, who arrived in the United States from Greece some 2½ years ago. At the time of her initial arrival she had come on a visitor's visa to visit her two daughters and only children, Mrs. Pauline Fotos, of 4113 28th Street, Mount Rainier, Md., and Mrs. Nick Triantis, of 200 Rittenhouse Street NW., Washington, D. C. Mrs. Mareanthe Baicou has no remaining relatives in her native Greece, and had come to this country to visit with her family, consisting of her two daughters, their husbands, and children. She also has one brother. Both of Mrs. Baicou's children are American citizens. One of her children, Mrs. Fotos, was born in the United States, Mrs. Baicou having lived here for some years with her husband before he concluded to return to Greece.

Since her arrival, Mrs. Baicou's health has steadily declined. She has been under the care of Dr. F. Mezitis, of 1835 I Street NW., Washington, D. C., for more than 2 years. I am advised by Dr. Mezitis, who has furnished affidavits so stating, that Mrs. Baicou suffers from an incurable cirrhosis of the liver of a progressive nature, and a very bad case of arthritis, which, with the complications of her old age, she being well past 70, makes it difficult for her to walk without assistance. She requires nursing and care, which she would be completely unable to obtain in her native Greece. She is physically unable to travel unaccompanied and from the view of her physician, her condition is likely to deteriorate further.

Her children and their husbands are most willing to vouch for her continued support, as they have heretofore exhibited. We respectfully urge your consideration of her request to be allowed to spend such few days as may be left to her in the company of her family, rather than lonely and alone far across the sea.

Respectfully yours,

HARRY W. GOLDBERG.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1068) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 906

MARIA DE LAS NIEVES DUFURRENA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1085]

The Committee on the Judiciary, to which was referred the bill (S. 1085) for the relief of Maria de las Nieves Dufurrena having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Maria de las Nieves Dufurrena. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 21-year-old native and citizen of Spain whose only entry into the United States was at New York, N. Y. on September 10, 1954, when she was admitted as a visitor. She has never been married and is living with her uncle in Nevada. Before the beneficiary was born, her father had lived in Humboldt County, Nev. and left an estate of approximately $6,000 which the beneficiary is settling. Her uncle is well able to provide for her support and guarantees that she will never become a public charge. She has numerous relatives residing in the United States.

A letter, with attached memorandum, dated May 31, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., May 31, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1085) for the relief of Maria de las Nieves Dufurrena, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Reno, Nev. office of this Service, which as custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Spain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA DE LAS NIEVES DUFURRENA, BENEFICIARY OF S. 1085

The beneficiary, Maria de las Nieves Dufurrena, a native and citizen of Spain, was born on August 3, 1933. Her only entry to the United States occurred at New York, N. Y., on September 10, 1954, at which time she was admitted as a visitor. Deportation proceedings have been instituted on the ground that, after admission as a visitor, she failed to comply with the conditions of such status.

Miss Dufurrena has never been married and has no one dependent upon her for support. She is presently taking a commercial course at the Winnemucca, Nev., Public High School and resides in that community with her uncle, Alex Dufurrena, the sponsor of the bill. The estate of her deceased father, approximating $6,000 cash in the First National Bank of Nevada, Winnemucca, is available for use by the beneficiary. In addition, there is a sum of $900 to which she has claim. At the moment, her support is being furnished by the uncle, Alex.

She has her mother, 4 sisters and 1 brother residing on the family farm in Errazu, Spain, the place of her last foreign residence. Besides her uncle, Alex, and his wife, she has eight cousins resident in different localities in the western part of the United States.

Senator Alan Bible, the author of the bill, has submitted the following information in connection with the case:

SIXTH JUDICIAL DISTRICT COURT,
STATE OF NEVADA, HUMBOLDT AND PERSHING COUNTIES,
February 28, 1955.

Hon. ALAN BIBLE,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR ALAN: Thank you so much for your letter of February 16, 1955, in reference to Maria de las Nieves Dufurrena, of Winnemucca, remaining in the United States as a permanent resident.

Personally, I do appreciate your kindness in introducing the bill to accomplish this. Further, I can assure you that her uncle, Alex Dufurrena, is very grateful to you.

The full name of the beneficiary is Maria de las Nieves Dufurrena. She was born August 3, 1933, at Errazu, Spain. She was admitted to the United States on September 10, 1954, at New York City, N. Y.

The following are the names and addresses of all of her relatives in this country:

Alex Dufurrena, uncle, Winnemucca, Nev.
Bertrand Mitea, cousin, 6550 Ventura Street, Fresno, Calif.
Manuel Eliceche, cousin, Route 1, Box 567, Bakersfield, Calif.
Jabier Goyenche, cousin, Elko, Nev.
Juan Goyenche, cousin, Elko, Nev.
Raymond Dufurrena, cousin, Orovada, Nev.
Marguerite Stephen, cousin, Winnemucca, Nev.

Alex Dufurrena, cousin, Winnemucca, Nev.
Thomas Dufurrena, cousin, c/o Nite Spot Drive Inn, San Luis Obispo, Calif.

Mr. Alex Dufurrena is worth $50,000 and is in a position to submit a statement from the local bank if such proof is necessary. He will guarantee that she will never become a public charge and will be completely financially responsible for her.

She came to the United States from Spain primarily to settle the affairs of her father's estate. Her father was a resident of Humboldt County until 1925, and had been in the sheep business for a number of years. He left money on deposit in the local bank and she has been appointed administratrix of his estate, and is now in the process of settling the estate. The father died on October 15, 1953.

Miss Dufurrena is now going to the Humboldt County High School, and is taking a commercial course. I am advised that the is doing very well in school. She has a mother and 4 sisters and 1 brother in Spain.

I have had an opportunity to observe the young lady while she has been here and I feel that she is a very conscientious individual, and if permitted to remain in the United States permanently will immediately endeavor to educate herself so that she can become a citizen.

With kind personal regards, and again thanking you for your kindness, I am
Sincerely yours,

MERWYN H. BROWN.

COUNTY OF HUMBOLDT, MOTOR VEHICLE DEPARTMENT,
OFFICE OF THE ASSESSOR,
WINNEMUCCA, NEV., *March 18, 1955.*

Hon. ALAN BIBLE,
United States Senate, Washington, D. C.

DEAR SENATOR BIBLE: I am writing you on behalf of Maria Nieves Dufurrena, a resident of Winnemucca, Nev. I understand at the present time that there is a bill pending in the Senate introduced by you, the substance of which is that Maria Nieves Dufurrena will be admitted to the United States of America over and above the quota of the Republic of Spain.

I have known Maria Nieves since her arrival here approximately 6 months ago. During the interim she has evidenced a desire to learn the language and customs of the United States. In fact at the present time she is and has been studying English at the local high school. I understand from her instructors that she is an excellent student.

While my acquaintance with Maria Nieves is somewhat limited, I have known her family and particularly her uncle, Alex Dufurrena, for approximately 30 years. The Dufurrenas are substantial, conservative, good citizens, a credit to the community, county, and State in which they live. From my observation of Maria Nieves she appears of the same nature and consequently I do not hesitate in recommending her for permanent residency in the United States.

Anything you see fit to do in regard to this matter will be appreciated.
Very truly yours,

ROY PERSSON.

STATE OF NEVADA,
THE ADJUTANT GENERAL'S OFFICE,
Carson City, March 30, 1955.

Hon. ALAN BIBLE,
United States Senate, Washington, D. C.

DEAR SENATOR BIBLE: I am writing in regards to your S. 1085 introduced in behalf of Maria de las Nieves Dufurrena.

It has been my pleasure to have known the aunt and uncle of this young lady, Mr. and Mrs. Alex Dufurena, for the past 25 years. During that period I have known them to be good citizens of our Nation. I have also known Miss Maria Dufurrena since shortly after her arrival in the United States. I can assure you, that given the opportunity, Miss Dufurrena will become a respected citizen of our Nation.

May I ask that you make every effort for approval of your S. 1085.
Sincerely,

JAMES A. MAY,
Major General,
The Adjutant General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1085) should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 907

ANGEL CASTANEDO DEL LLANO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1128]

The Committee on the Judiciary, to which was referred the bill (S. 1128) for the relief of Angel Castanedo Del Llano, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angel Castanedo Del Llano. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 54-year-old native and citizen of Spain who since 1944 has maintained the status of a nonresident alien seaman, sailing in and out of United States ports on Panamanian- and American-flag ships. He is presently employed as a seaman. He has previously spent considerable periods of time in the United States from 1922 to 1939 during part of which time he worked as a seaman, in steel mills, in hotels and nightclubs. He apparently was eligible to petition for naturalization on the basis of his constructive residence aboard United States vessels but he was at sea and unable to file his petition under the applicable law prior to December 24, 1953, the cutoff date. The bill, by granting the beneficiary permanent residence, would thereby enable him to avail himself of his constructive residence on United States vessels for naturalization purposes.

A letter, with attached memorandum, dated May 18, 1955, to the chairman of the Senate Committee on the Judiciary from the Com-

missioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 18, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR SENATOR. In response to your request of the Department of Justice for a report relative to the bill (S. 1128) for the relief of Angel Castanedo Del Llano, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Spain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGEL CASTANEDO DEL LLANO, BENEFICIARY OF S. 1128

The beneficiary, Angel Castanedo Del Llano, was born on March 23, 1901, in Infiesto, San Roman, Spain, and is a citizen of that country. He is single. Since August 1944 he has maintained the status of a nonresident alien seaman, sailing in and out of United States ports on Panamanian- and American-flag ships. For the past 3 years he has been employed as a crew member on the American steamship *Green Harbour* and is presently employed in that capacity. He actually has no place of abode in the United States, but his mailing address is 1402 Avenue C, Galveston, Tex., in care of a friend, Mr. V. V. Flores. His salary as a seaman is $314.41 per month, but he averages about $475 per month with overtime. He has $6,900 on deposit in a savings account in a bank at Galveston, Tex. His only schooling was for about 8 months while a child in Spain. His only skill is as an oiler aboard steam vessels. He has no dependents, his parents are deceased and he has no near relatives in the United States or elsewhere.

The beneficiary resided in Spain from birth until 1920. He spent considerable time in the United States between 1922 and 1939, part of which time he worked as a seaman. From 1926 to 1936 he was employed in steel mills in the State of New York; and from 1937 to 1939 he was employed in hotels and night clubs in Jacksonville, Fla., and Savannah, Ga. From 1939 to 1944 he was employed as a nightclub manager in Mexico City, Mexico. Apparently while residing in the United States he was in an illegal status, and during June 1939 he was permitted to depart voluntarily from the United States at Jacksonville, Fla. Again on August 31, 1944, at New Orleans, La., he was permitted to depart voluntarily from the United States in lieu of deportation proceedings. As previously stated, since August 1944 he has maintained the status of a nonresident alien seaman, sailing out of the United States ports.

The beneficiary has no record of arrest other than for an arrest by the police department of Los Angeles, Calif., on August 21, 1953, charged with "resorting." He admitted that he was arrested for being in a house of prostitution but stated that he was not placed in jail, although the arrest cost him about $200, including attorney's fee and bail. No evidence was obtained which would indicate that he has ever engaged in any subversive activities, or that he is disloyal to the United States.

Senator Allen J. Ellender, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

LAW OFFICES

ROBERTS & MCINNIS

WASHINGTON, D. C., *January 12, 1955.*

Re Private bill for Angel Castanedo Del Llano

MR. FRANK WURZLOW,
Care of Senator Allen J. Ellender,
Senate Office Building, Washington, D. C.

DEAR FRANK: This letter is written in connection with our conversation this morning regarding the possibility of Senator Ellender introducing a private bill for the relief of Mr. Castanedo.

Briefly, Mr. Castanedo is a merchant seaman living in New Orleans who has been sailing on American ships since 1934. He is a native of Spain, and determined several years ago to become an American citizen. Inasmuch as he had sailed with good conduct for an aggregate period of 5 years or more on vessels covered by the Nationality Act of 1940, he is deemed a resident of the United States for purposes of filing a petition for naturalization. He did not learn of this, however, until a few weeks prior to December 24, 1953, the last date, according to the so-called McCarran Act, by which he could file application. Upon learning of the applicable regulations, he immediately submitted an inquiry to the Immigration and Naturalization Service and was advised on December 11, 1953, that his application should be filed within 13 days. Unfortunately, Mr. Castanedo was at sea, and the Immigration and Naturalization Service's letter of December 11, 1953, did not reach him until after the cutoff date, December 24.

I am enclosing with this letter the original of the Immigration and Naturalization Service's letter, and numerous statements from masters and shipping companies attesting to his good conduct. When Senator Ellender or appropriate authorities have finished with these documents, I would like to have them returned for forwarding to Mr. Castanedo. If necessary, I can have photostats made in substitution for the originals.

In the light of our discussion, I feel that Senator Ellender may wish to assist Mr. Castanedo by a private bill. From the information I have gathered from Leo Ungar, Esq., of New Orleans, Mr. Castanedo is the type of person that Senator Ellender would want to assist in becoming an American citizen. As you suggested, a private bill could be used to waive the cutoff date of December 23, 1953, for Mr. Castanedo to submit his application for processing by the Department of Justice. Thus, Senator Ellender would merely afford Mr. Castanedo a fair and equitable opportunity under the circumstances to appear before responsible Government officials, and present evidence that he should and will become a valuable citizen.

Should any additional information be required, I will be glad to extract it from my files, or secure it from Mr. Castanedo in New Orleans.

Kindest personal regards,

ROBERTS & MCINNIS,
By JULIAN P. FREERET.

UNITED STATES LINES,
New York, N. Y., May 26, 1953.

UNITED STATES DEPARTMENT OF IMMIGRATION,
New Orleans, La.

GENTLEMEN: This is to certify that Mr. Angel Castaneda was employed with this company as follows:

Steamship *Chagres*, oiler, September 19, 1944, to May 10, 1945.

The above vessel was under the Panamanian flag, owned and operated by the United States Lines Co., and chartered to the War Shipping Administration.

The crew of the above vessel was signed on and paid off in an American port at all times.

There is nothing derogatory in our files against this man's character.

The above dates include times when vessel was on foreign articles, in port and on coastwise voyages and employment was considered continuous.

Very truly yours,

JOHN MYATT,
Manager, Personnel Department.

AGWILINES, INC.,
New York, N. Y. May 26, 1953.

To Whom It May Concern:

This is to certify that Angelo Castanedo del Llano, known to us on our records as Angel Castanedo, a Spanish national, did serve on the American registered steamship *Agwidale* as oiler from May 16, 1945, to February 22, 1946. Home port of vessel was New York and she was of 4,000 tons. He also served on the American registered steamship *St. Lawrence Victory*, of over 5,000 tons, home port San Francisco, Calif., in the capacity of oiler from May 16, 1946, to June 6, 1946.

The steamship *Agwidale* was owned and operated by this company. The steamship *St. Lawrence Victory* was owned by the War Shipping Administration of the United States of America and operated by this company as general agents.

There is nothing on file of a derogatory nature as regards this seaman's conduct and character.

Very truly yours,

J. F. MEEGAN,
Crew Personnel Officer.

CENTRAL GULF STEAMSHIP CORP.,
New Orleans, La., December 15, 1953.

To Certify:

The bearer, Mr. Angle Castanado, has been employed as oiler on board the steamship *Green Harbour*, from April 8, 1952, to the present date.

During that time his conduct has been exemplary. I have found him to be sober, a very willing worker, has never been late reporting for duty, easy to get along with, well liked by other crew members as well as all the assistant engineers, and we hope he will be able to remain with us in the future.

S. A. KIMBRELL,
Chief Engineer, Steamship Green Harbour.

JOHN FRAWLEY,
Master.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1128) should be enacted.

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Calendar No. 915

84TH CONGRESS, 1st Session } SENATE { REPORT No. 908

THERESA YIK MUN WOO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1130]

The Committee on the Judiciary, to which was referred the bill (S. 1130) for the relief of Theresa Yik Mun Woo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Theresa Yik Mun Woo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native of Malaya and a subject of Great Britain who last entered the United States as a student on September 9, 1948, at San Francisco, Calif. She presently resides in Detroit, Mich., where she operates a gift shop. She has attended Los Angeles Junior College, Columbia, and Boston Universities. The beneficiary attempted to change her status to that of a treaty trader on the basis of her import business, but has been unsuccessful. The suffered serious injuries to her hip and leg in an automobile accident in 1952 and has a suit pending for the injuries she sustained.

A letter, with attached memorandum, dated May 25, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 25, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1130) for the relief of Theresa Yik Mun Woo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It further provides for the deduction of one number from the appropriate quota.

The beneficiary is chargeable to the quota for Chinese.

Sincerely,

------ ------, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING THERESA YIK MUN WOO, BENEFICIARY OF S. 1130

The beneficiary, Theresa Yik Mun Woo, a native of Malaya and a subject of Great Britain, was born on or about April 28, 1926. She is single and resides at 7410 West McNicholls Road, Detroit, Mich. The beneficiary operates a gift shop in Detroit, Mich., and stated that her sales grossed approximately $1,000 for the year 1954. She has no assets in the United States and receives financial assistance from two brothers who are attending school in California. The beneficiary has a father, mother, 3 sisters, and 3 brothers living in Malaya.

The beneficiary attended high school in Malaya and attended Los Angeles City Junior College for 2 years. She has attended classes at Columbia University, New York, and Boston University, Boston, Mass. The beneficiary resided in Malaya most of her life. However, her residence just prior to her entry into the United States was in China.

The beneficiary was admitted to the United States September 9, 1948, at San Francisco, Calif., as a student. Her last extension of temporary stay expired September 10, 1950. Deportation proceedings were instituted against the beneficiary February 10, 1954, and she was found deportable on the grounds that she had remained in the United States for a longer time than permitted by the terms of her temporary admission. A special inquiry officer authorized voluntary departure August 5, 1954.

The beneficiary has a suit pending for injuries she sustained in an automobile accident in November 1952.

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
June 6, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing you again concerning Senate bill 1130, in behalf of Theresa Yik Mun Woo.

I understand that a report has now been received by your committee from the Immigration Service. It will show, I am sure, that Miss Woo has been an exemplary visitor and has at all times tried to conform, to the best of her knowledge and ability, to the requirements of her status. Her error, resulting in a changed status of her student visa, was due to misunderstanding and not negligence, and she herself, with all intent to cooperate, was the reporting agency involving the error.

As is pointed out in the papers concerning this situation which I have previously submitted to your committee, Miss Woo's parents have holdings in Singapore and Malaya. Miss Woo's democratic principles, reinforced during her stay in the United States, would make it not only distasteful to her to have to return now to

that area of the world, but would almost certainly lead to her actual jeopardy. Certainly she would be in no position to make fruitful use of either her education or her business initiative.

On the other hand, she feels strongly that by remaining here and exercising the rights and privileges granted to her by citizenship in the United States, she may play a very real role to those who have known her in the Far East as both symbol and actuality of democratic rights in the free world.

Two and a half years have passed since Miss Woo learned that she must leave the country due to her change of status from student to merchant. She was quite ready then to leave the country for the time necessary to secure the new type of visa, and made informal application to the Embassy in Canada to facilitate this. Her accident incapacitated her, and in the meantime the possibility of her securing a merchant's visa has vanished. Her mental turmoil, due to the accident and the grave possibility that she may have to leave the land she wishes to adopt as home, however, have only led to her greater maturity, thoughtfulness for the welfare of others, and a strengthened love of democracy as she had been taught and has found it to be practiced in the United States. Nevertheless, her unsettled status necessarily causes her anguish.

I feel sure that these considerations will be given serious weight by your committee. I would urge, therefore, that this case be considered at as early a date as possible, now that reports are available to you.

Sincerely,

PAT. MCNAMARA,
United States Senator.

IMMIGRATION STATUS OF THERESA YIK MUN WOO, IMMIGRATION FILE NO. 0800-101220 DEP

Miss Woo is under notice from the Immigration Service to depart from the United States voluntarily on or before January 16, 1955. Approximately 20 prominent citizens have expressed interest in the welfare of Miss Woo and in her ambition to remain in the United States and continue her efforts on behalf of international good will. Miss Woo operates a gift shop at 7410 West McNichols Road, Detroit, Mich., and also resides at the same address.

Miss Woo's entry into the United States occurred at San Francisco, Calif., September 9, 1948, at which time she entered on a student visa destined to East Los Angeles Junior College, with the intention to remain in the United States for four years as a student.

She was born in Penang, Malaya, April 28, 1926. Her last residence before coming to the United States was at 23 Chungking Arcade, Hong Kong, BBC. Her parents live in Malaya and are said to own extensive holdings in the vicinity of Penang and Singapore.

After attending East Los Angeles Junior College, she attended Columbia University, New York City, beginning September 1950, in a course in English writing. In September 1951, she transferred to Boston University, but in November 1951, retransferred back to Columbia, in a course of business administration until June 1952.

Anticipating the conclusion of her 4 years of college, she states that she went to an Immigration officer in New York City for the purpose of obtaining information as to whether she might change her status from that of student to that of permanent resident in the United States. She mentioned her desire to create a distinctive import business which would not only be a profitable business but a means of generating international good will. She states that she understood the reply of the immigration officer to mean that she was given such permission.

This, however, would not be the usual way of responding to such inquiries and would not have been in accordance with the regulations.

She came to Detroit, Mich., to visit relatives and located a site for the opening of her importing business on Second Avenue, Detroit, Mich. Apparently she was not aware of the legal effect of this act on her part until September 1952. The effect referred to is that she thereby interrupted her student status and made herself ineligible to adjust status while remaining in the United States. In other words, she had lost her student status before applying for her new status.

She voluntarily communicated her acts to an immigration officer in the Detroit office of the Immigration Service who informed her that since she had failed to maintain the student status, which was acquired by her upon entering the United States, it would be necessary for her to depart, otherwise, deportation proceedings would be instituted. She consulted an immigration attorney and started to make

preparations to gather the documents necessary, obtain a new passport and depart from the United States for the purpose of obtaining a treaty merchant visa which, if granted, would have readmitted her into the United States lawfully for permanent residence.

While these preparations were underway, Miss Woo, was seriously injured in an automobile accident en route from Detroit to New York and for many months was confined to her bed to recover from the effects of the injury and surgical operations performed to repair the injury to her body, particularly the right leg.

Reimbursement for the damages she suffered in this injury are the subject of litigation undertaken against the person who owned the automobile in which she was riding at the time of the injury. Most of the expense of hospital and surgical care remains unpaid at the present time. Miss Woo is, of course, a necessary witness if it is possible to establish legal liability and recover from persons responsible for the damage.

During the months that Miss Wood was disabled, it appears that political conditions changed to such an extent and regulations following the enactment of the Immigration and Nationality Act of 1952, were promulgated, resulting in the loss of any possibility that Miss Woo would qualify for a treaty-merchant visa. The preliminary application before the injury had been made to an American consulate in Canada, informally. In the fall of 1954, the consulate informed counsel for Miss Woo that British treaty would not extend to Malaya, and since trade with Communist China is prohibited at the present time, Miss Woo could not expect to receive a treaty-merchant visa.

The quota under which she would come is far over subscription. If she is required to depart from the United States she would, of course, lose the business which she has built up and would not be in a position to prosecute her right to recover for damages suffered, and incidentally, would also leave unpaid hospital and doctor bills, since it appears that the person responsible for the injury does not intend to pay them unless his liability to do so is established and enforced in court.

Respectfully submitted.

LOUIS M. HOPPING.

JANUARY 20, 1955.

Re Thersa Woo, Detroit, Mich.

IMMIGRATION AND NATURALIZATION SERVICE,
District Director, Detroit, Mich.

DEAR SIRS: This is to inform you that the above-named Miss Woo was examined by me January 19, 1955, so that her physical status could be determined before her departure to Hong Kong, China.

She informed me that she has voluntarily made her reservations to leave this country, but is aware that she needs treatment for an old traumatic injury of her right hip and thigh. (Patient admits being in an auto accident in 1952.)

After my examination, I definitely concluded that she ought not to leave until her leg has been adequately treated. For it is my impression that she has chronic traumatic myositis and possible osteomyetitis of the right femur. In addition, her injuries have resulted in definite shortening of her right leg.

She is to have a series of X-rays of the affected extremity. In order to determine the status of her complaint, these films are to be compared with similar films which are said to be on file at Providence and Henry Ford Hospitals.

In the meantime, it would be sincerely appreciated by the patient, and it would be a personal favor to me, if she were permitted to remain in this country until her treatment has been completed.

Very truly yours,

WALTER W. HOUSE, Jr., M. D.

DETROIT 2, MICH., *February 18, 1955.*

HON. PATRICK V. MCNAMARA,
United States Senate Office Building,
Washington, D. C.

(Attention Mr. David Connery, Administrative Assistant.)

MY DEAR MR. CONNERY: I thank you for these opportunities to speak with you on the phone.

Miss Woo has a very distinctive store, is well thought of by her neighbors and caters to many students from both the University of Detroit and Marygrove

College. She has a good stock which has at times interested one of the buyers from the J. L. Hudson Co., and others as well.

I am asking Mr. Macotte of the Wabeek State Bank to write Senator McNamara giving his appraisal of the business as he sees it.

We all wish to be a part of the solution by urging you to take the ball right down the field for the touchdown. If through cohesive effort we can bring together to her door the true meaning of interdependence, then I am sure every one of our lives will be enriched.

Miss Woo has pioneered, and by so doing has displayed a courageous fortitude for one of her age. She is very proud of her store, and shows great enthusiasm when new merchandise arrives. It is my opinion that she adds greatly to the overall spirit of the business block she operates in. I know her neighbors all like her, and would like her to reap the rewards rather than some other person if the business had to be sold.

Also, Mr. Connery, Miss Woo is not an opportunist. She would never marry unless she honestly loved the man according to the law of life. She is completely fair, and would wish to win her citizenship solely on the appreciation of the constituents of her richess of character and desirability as a permanent resident.

Sincerely,

MARIUS FOSSENKEMPER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1130) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 909

ARTHUR SEW SANG, KEE YIN SEW WONG, SEW ING LIN, SEW ING QUAY, AND SEW ING YOU

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1142]

The Committee on the Judiciary, to which was referred the bill (S. 1142) for the relief of Arthur Sew Sang, Kee Yin Sew Wong, Sew Ing Lin, Sew Ing Quay, and Sew Ing You, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Arthur Sew Sang, Kee Yin Sew Wong, Sew Ing Lin, Sew Ing Quay, and Sew Ing You. The bill provides for the appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a Chinese father, mother, two daughters and a son who entered the United States on the basis of a fraudulent document. The father is 53 years old, the mother is 47, the daughters are 19 and 22 years old, and the son is 21 years old. Another son born in 1949 is a United States citizen. The father first arrived in the United States at Boston, Mass., in February 1921 as a seaman who deserted his ship. After remaining here for 3½ years he returned to China equipped with a document made out to Arthur Gun Ing indicating he was a United States citizen. On the basis of that document he returned to the United States in 1926 and in 1932 returned to China, got married and had a family. The father returned to the United States in 1935; in 1944 he was drafted and served 10 months in the United States Army. He did not apply for citizenship

on the basis of this military service because he was already listed as a citizen. In 1947 he again went to China and brought his family back to the United States in 1948. In 1953 the oldest daughter married a Chinese and they now have a United States citizen child.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3022 which was a bill pending in the 83d Congress for the relief of the same aliens reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 3, 1954.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3022) for the relief of Arthur Sew Sang, his wife Kee Yim Sew Wong, their daughters Sew Ing Lin and Sew Ing You, and their son Sew Ing Quay, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Baltimore, Md., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that five numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for the Chinese.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARTHUR SEW SANG, KEE YIN SEW WONG, SOW ING LIN, SEW ING YOU, AND SEW ING QUAY, BENEFICIARIES OF S. 3022

Arthur Sew Sang, also known as Sang Sew Ten, Sewsang Arthur, Sew Arthur Sang, Sew Arthur, Ing Arthur Gun, Guning Arthur, Ing Arthur Gunn, Ing Gun, Fook Chong and Sen Arthur Sang, a Chinese subject, was born in Namtong Wae, Hok Shang, Canton, China, on September 2, 1901. His last residence abroad was the same as his birthplace. He last entered the United States at San Francisco, Calif., on July 22, 1948, at which time he was admitted as a United States citizen. His family accompanied him at the time of his last entry, and were admitted by a board of special inquiry on September 15, 1948, under Public Law 271. His wife was admitted for permanent residence, and the children as United States citizens.

Mr. Sang first entered the United States at the port of Boston, Mass., in February 1921, as an alien seaman on a vessel which he subsequently deserted. He remained in the United States until October 1924, at which time he returned to China in possession of a "Chock Chee" (a document which indicated he was a United States citizen) issued in the name of Arthur Gun Ing. This document had been purchased for him by his brother. He remained in China until 1926, when he returned to the United States and was admitted as a United States citizen on the basis of that document. He then departed for China about June 12, 1932 and returned to the United States in April 1935. All entries were under the name of Arthur Gun Ing.

Arthur Sew Sang was inducted into the United States Army on January 17, 1944, as a United States citizen and served until November 16, 1944, when he was given an honorable discharge. He again departed for China in 1947, but prior thereto made application for a United States passport under the name of Arthur Sew Sang, also known as Arthur Gun Ing, stating under oath that he was born in the Bronx, New York, on October 13, 1907. That application further stated that he was returning to China to secure the necessary legal documents to bring his wife and three children to the United States, under the GI bill of rights, and as United States citizens, respectively. The entire family returned to the United States on July 22, 1948, and were admitted in the status previously mentioned.

Mr Sang and his children were not United States citizens on arrival in the United States on July 22, 1948, and his wife (Kee Yin Sew Wong), was not the spouse of an honorably discharged United States citizen member of the Armed Forces of the United States, of World War II. All at time of entry were factually immigrants, but were not in possession of valid immigration visas. Mr. Sang and his wife signed applications for suspension of deportation on December 10, 1952, However, the Board of Immigration Appeals, on January 27, 1954, ruled that their appeal be dismissed. The beneficiaries were granted the privilege of departing voluntarily from the United States on or before April 5, 1954, but to date have not availed themselves of that privilege. Warrants of deportation are now outstanding in their case.

Arthur Sew Sang obtained the equivalent of a high-school education in China. He attended a citizenship school in New York City for a year and a half, shortly after his first entry into the United States in 1921. He is presently employed as day manager of the White Rice Inn, Baltimore, Md., and earns approximately $40 per week. He owns property in Baltimore, Md., valued at $3,500 and has a savings account of $3,000. He is not indebted to anyone.

Mr. Sang is married and his family is dependent upon him for support. He has a son, Richard Sew, who was born in Baltimore, Md., February 6, 1949. He has no near relatives in the United States. His widowed mother, a Chinese citizen, lives in China and has never been in the United States. Mr. Sang had always lived in China prior to coming to this country in 1921.

Kee Yin Sew Wong (wife of Arthur Sew Sang), also known as Sew Kee Yin Wong, Wong Kee Yin, Yin Wong Kee, Wong Shee, Shee Wong, Sew Kee Yin, and Yin Sew Kee, a Chinese subject, was born in See Poo, Hok Shang, Canton, China, on December 14, 1907. Her last residence abroad was in Namtong Wae, Hok Shang, Canton, China. She entered the United States at San Francisco, Calif., on July 22, 1948, and was admitted by a board of special inquiry on September 15, 1948, for permanent residence. The facts relating to her entry are as previously stated. Mrs. Kee Yin Sew Wong has never attended any schools. She is presently self-employed in her laundry, which is located at their residence in Baltimore, Md., and she earns approximately $35 per week. Her earnings are contributed toward the support of the family. She has no near relatives in the United States. Her widowed mother, a Chinese citizen, lives in China. Her parents were never in the United States. Mrs. Wong had always lived in China.

Ing You Sew, also known as You Sew Ing, Sew Alice You, Sen Ing You, Sen Ing Yen and Sew Sin You, a Chinese subject, was born in Namtong Wae, Hok Shang, Canton, China, on September 19, 1935. Her last residence abroad was the same as her birthplace. She entered the United States at San Francisco, Calif., on July 22, 1948, and was admitted by a board of special inquiry on September 15, 1948, as a United States citizen. The facts relating to her entry are as previously stated. Ing You Sen attended 4 years of elementary school in China, 4 years of public school in Baltimore, and is presently continuing her schooling at Brooklyn, N. Y. Ing You Sew is not married and is dependent upon her parents Arthur Sew Sang and Kee Yin Sew Wong, for support. She had always resided in China.

Ing Quay Sew, also known as Albert Sew, Albert Quay Sew, Quay Sew Ing, Sen Ing Quay, Sew Quee and Quee Sew, a Chinese subject, was born in Namtong Wae, Hok Shang, Canton, China, on June 12, 1934. His last residence abroad was the same as his birthplace. He entered the United States at San Francisco Calif., on July 22, 1948, and was admitted by a board of special inquiry on September 15, 1948, as a United States citizen. The facts relating to his entry are as previously stated. Ing Quay Sew attended 4 years of elementary school in China. He is presently attending Polytechnic Institute in Baltimore, Md., and intends to graduate. Ing Quay Sew is single and dependent upon his parents for support. He had always resided in China.

Ing Lin Sew, also known as Sew Ing Lin, Sew Rose Lin, Sew Ing Lin, Sew Guk Lan, and Chin Ing Lin Sew, a Chinese subject, was born in Namtong Wae, Hok Shang, Canton, China, on May 7, 1933. Her last residence abroad was the same as her place of birth. She entered the United States at San Francisco, Calif., on July 22, 1948, and was admitted by a board of special inquiry on September 15, 1948, as a United States citizen. The facts relating to her entry are the same as previously stated. Ing Lin Sew is married to David Young Chin and is dependent upon her husband for support. They were married at Baltimore, Md., on May 10, 1953. Her husband, who entered as a stowaway, is not a citizen of the United States and is not in legal status. She has a son, Martin Jan Chin, born in Brooklyn, N. Y., on January 31, 1954. She has always lived in China.

Senator John Marshall Butler, the author of the bill, submitted the following information in connection with S. 3022:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
April 22, 1954.

Hon. ARTHUR V. WATKINS,
Chairman, Immigration and Naturalization Subcommittee,
Committee on the Judiciary, United States Senate,
Washington, D. C.

DEAR SENATOR: With reference to S. 3022 for the relief of Arthur Sew Sang and family, which I introduced on February 25, 1954, I am enclosing a statement of pertinent facts which will be helpful to the committee in their consideration of this bill.

The one most important fact in the case is that Arthur Sew Sang is an honorably discharged veteran of World War II and would be entitled to apply for naturalization but for the fact that the Immigration Service issued a warrant of arrest in deportation proceedings before they gave any consideration to whether this veteran should be permitted to apply for naturalization.

This unfortunate fact, under the provisions of section 318 of the Immigration Act of 1952, makes it impossible for the veteran to proceed to naturalization; and for no stated reason, the Board of Immigration Appeals would not withdraw the deportation proceedings to give the veteran time to apply for naturalization, even though it has done this in some cases—the Board said it was simply "not disposed" to permit him to apply for naturalization.

It goes without saying that the deportation of this veteran to China would be an unconscionable thing; because he has lived in the United States for over 30 years and that residence, coupled with his honorable discharge from our Armed Forces, would sign his death warrant with the Communists.

I sincerely hope that something may be done for this worthy individual, whose only fault is that, through ignorance, he falsely claimed to be a citizen of the United States, not knowing that he could be naturalized by reason of his honorable service in the Army.

Sincerely,

JOHN MARSHALL BUTLER.

ARTHUR SEW SANG AND KEE YIN SEW WONG AND SEW ING LIN AND SEW ING QUAY AND SEW ING YOU

Arthur Sew Sang was born in China, 52 years ago. He came to the United States at the port of Boston, Mass., in 1921, as a boy of 19 years of age, employed as a seaman, and visited a brother who lived in that city; he remained here with his brother and has lived in the United States continuously for the past 33 years, with the exception of 3 visits to China. He was married in China to Kee Yin Sew Wong, 46 years old, a native and citizen of China, and of this marriage there are 3 children born in China, Sew Ing Lin, a 20-year old girl, Sew Ing Quay, a 19-year-old boy, and Sew Ing You, a 17-year-old girl. Another child, Richard, was born to the couple at Baltimore, Md., on February 6, 1949, and he is a citizen of the United States.

Arthur Sew Sang served in the Armed Forces of the United States during World War II and was honorably discharged on November 16, 1944. He was granted a "certificate of appreciation of services in World War II" by the Governor of Maryland; another similar certificate from the Special Training Unit, Third Services Command, United States Army; a certificate of satisfactory completion of 17 weeks schedule of training at Camp Blanding, Fla.; and, as indicated, was given an honorable discharge from the Army.

Through ignorance, he was unaware that during his period of service in the United States Army he could have been lawfully naturalized as a citizen of the United States because of his Army service; and, after the war, desiring to visit his wife in China, he falsely claimed to be a citizen of the United States and obtained a passport to make that visit.

On his return from that trip to China, Arthur Sew Sang brought his wife and children with him to the United States, and they were admitted as the wife and children of an honorably discharged veteran of World War II, under the special legislation for that class of aliens.

Subsequently, however, entirely of his own volition, and upon advice of counsel, Arthur Sew Sang appeared before the Immigration and Naturalization Service at Baltimore, Md., and voluntarily revealed the true facts respecting his actual

citizenship status, and requested of the Immigration Service that they exercise discretion to permit him and his family to remain here, either by suspension of deportation or otherwise. However, apparently without giving any consideration to the right of Arthur Sew Sang to apply for naturalization as a veteran, the Immigration and Naturalization Service instituted deportation proceedings; and both the Immigration and Naturalization Service and the Board of Immigration Appeals have refused to withhold or withdraw such deportation proceedings to permit Arthur Sew Sang to be naturalized on the basis of his honorable service in our Armed Forces during World War II.

This refusal of the Immigration Service to withdraw the deportation warrant makes it impossible under the Immigration and Nationality Act of 1952 for the court to consider a naturalization petition or to naturalize him. Specifically section 318 of that act in part provides:

"* * * No person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other act."

The Board of Immigration Appeals specifically stated in its final order of deportation against Arthur Sew Sang and all members of his family, as follows:

"Deportation proceedings having been instituted by the Service and deportability having been conceded, this Board is not disposed to terminate or cancel such proceedings at this time, notwithstanding the fact that the adult male alien may be eligible to file a petition for naturalization under current law."

Having lived in the United States since boyhood, and having served honorably in the United States Armed Forces in World War II, if Arthur Sew Sang were to be deported to China, the only country which will receive him, physical persecution and death at the hands of the Communists are a certainty in his case. The Immigration Service has recently made arrangements with the British in Hong Kong to deport Chinese through Hong Kong into Communist China; and, all administrative remedies having been completely exhausted, the only possible method of relief for this veteran and his family would be by the filing and passage of a private bill in the Congress.

Arthur Sew Sang, his wife, and children are not of the criminal class. Other than for his false claim of citizenship, as to which the Government has refused to prosecute him, he has always been a hard-working member of the community who has never been in any trouble, civil or criminal. He is presently employed as manager of the White Rice Inn, 320 Park Avenue, Baltimore, Md., one of the better Chinese restaurants in Baltimore, with a high type of clientele; he receives a salary of $40 per week; his wife assists in the support of the family by the operation of a laundry business at 213 South Eutaw Street, Baltimore, from which the family derives an income of approximately $35 per week. The children, except for the infant child, are all attending school in Baltimore.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1142) should be enacted.

Calendar No. 917

84TH CONGRESS, 1st Session | SENATE | REPORT No. 910

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PETER SKOLE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1253]

The Committee on the Judiciary, to which was referred the bill (S. 1253) for the relief of Peter Skole, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel the outstanding deportation proceedings in the case of Peter Skole and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based.

STATEMENT OF FACTS

The beneficiary of the bill is a 59-year-old native and citizen of Denmark who entered the United States at New York on June 6, 1921, as a seaman. He deserted ship and a few months later married a Danish girl who was in the United States. The beneficiary made brief visits to Denmark in 1930–31 and on the occasion of his last entry into the United States at New York on March 21, 1931, he apparently came in legally under the quota system. He has three married sons who have all served in the United States Armed Forces. Prior to 1949 he had passed worthless checks, but since has reformed. He has been employed by the General Electric Co. for the past 4 years and they endorse him as a good and trusted employee. His wife, sons, pastor, and scores of friends extol him as a loyal husband, father, and friend who has reformed and repented of past mistakes.

A letter, with attached memorandum, dated January 3, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with

reference to S. 3863 which was a bill pending in the 83d Congress for the relief of the same beneficiary reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 3, 1955.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3863) for the relief of Peter Skole, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Toledo, Ohio, office of this Service, which has custody over these files.

The bill would authorize and direct the Attorney General to discontinue deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond which may have been issued in the beneficiary's case. It would also direct that after the date of enactment the beneficiary shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and order have issued.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING PETER SKOLE, BENEFICIARY OF S. 3863

Peter Skole, also known as Peder Skole, is a native and citizen of Denmark who was born July 2, 1896, in Lind, Rind, Denmark. His last foreign residence was Viborg, Denmark, from whence he entered the United States through the port of New York, N. Y., on June 6, 1921, as a seaman on the steamship *Bergensfjord*. He deserted his ship and remained in the United States. On July 19, 1930, he departed the United States and returned November 3, 1930, on the steamship *Carmania*. He was admitted as a quota immigrant November 19, 1930, in accordance with section 13, paragraphs D and E, act of 1924, following an appeal from an excluding decision by a board of special inquiry. That board found he was not a nonquota immigrant as specified in the section 4 (b) visa he presented for reentry. His last entry to the United States was on March 21, 1931, through the port of New York, N. Y. He was legally admitted at that time as a returning resident with a valid reentry permit. The beneficiary's application, Form N–400, to file a petition for citizenship was received by this Service on December 12, 1953, and is now pending.

The beneficiary has a record of arrests extending from 1931 to 1949. His criminal record includes numerous arrests for passing worthless checks. The list of his arrests and the disposition are as follows:

June 17, 1931.—As Peter Skole No. 3738, arested at Paterson, N. J. Crime, passing worthless checks. Dismissed.

June 18, 1931.—As Peter Skole No. 695, received at county jail, Paterson, N. J. Crime, uttering and delivering worthless checks. Ninety days. Suspended.

November 20, 1931.—As Peter Skole No. R–315, arrested at Ridgewood, N. J. Crime, uttering flase checks. Case still open.

July 1, 1933.—As Peter Skole No. 135253, arrested at Philadelphia, Pa. Crime, passing worthless checks. Discharged by magistrate.

January 31, 1938.—As Peter Skole No. 1151, arrested at Kingsport, Tenn. Crime, bad checks. Failed to prosecute.

April 2, 1938.—As Peter Skole No. 135353, arrested at Philadelphia, Pa. Crime, worthless checks. Discharged by magistrate.

June 15, 1940.—As Peter Skole No. 10785, arrested at Fort Wayne, Ind. Crime, forgery. Two to fourteen years, State penitentiary. Suspended and placed on probation.

November 26, 1941.—As Peter Skole, arrested at Fort Wayne, Ind. Bound over to Allen County Circuit Court under bond of $1,000.

November 27, 1941.—Previous suspended sentence revoked and subject ordered to the Indiana State Penitentiary, 2–14 years.

December 1, 1941.—As Peter Skolle No. 21659, received at the Indiana State Prison from Fort Wayne, Ind. Crime, forgery. Term, 2–14 years.

December 3, 1943.—As Peter Skole No. 10785, arrested at Fort Wayne, Ind. Crime, loitering and investigation.

December 21, 1943.—Continued: Indefinite and released.

August 26, 1948.—As Peter Skole No. 10785, arrested at Fort Wayne, Ind. Crime, loitering and investigation.

August 26, 1948.—Peter Skole cashed 4 worthless checks amounting to about $200. Continued to September 6, 1948, $2,000.

September 13, 1948.—Bound to circuit court by agreement of the prosecutor the charge was made obtaining money by false pretenses. Fined $10 and costs and 1 to 7 years. Term suspended.

October 21, 1949.—Arrested 3236 South Barr Street, Fort Wayne, Ind. Loitering and investigation and forgery. (Sheriff) No. 1 C. I.; No. 2 Circuit Court.

January 5, 1950.—Fined $10 and costs and 2 to 14 years Indiana State Prison. Sentence suspended and placed on probation to his sons.

On December 21, 1954, the beneficiary was questioned under oath by an officer of this Service in regard to whether or not he had ever been arrested in Europe prior to his entry into the United States. He testified that he had been arrested in Denmark on one occasion while serving in the Danish Army; that this arrest was for leaving his post; that he was placed in the stockade for 10 days. He stated that this arrest occurred over 40 years ago and that he has no other record of arrests in Europe.

On July 23, 1954, the beneficiary was ordered deported on the ground that he has been convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal conduct, to wit: forgery and forgery. He also has a conviction for false pretenses dated September 13, 1948. He has an appeal now pending with the Board of Immigration Appeals.

The alien is married, and lives with his wife Rosa, who is also a citizen of Denmark. She is his only dependent. His three adult sons are self-supporting. The beneficiary is employed by the General Electric Co. in Fort Wayne, Ind., where he was hired in 1951 on the basis of previous satisfactory employment. His total income consists of $86.50 a week from the General Electric Co. and $38 a month from rent of an apartment.

Senator William E. Jenner, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

FEBRUARY 16, 1955.

Hon. WILLIAM E. JENNER,
United States Senate.

DEAR SENATOR JENNER: Reference is made to your request for information relative to Peter Skole, the subject of S. 3863, 83d Congress.

This bill would have directed the Attorney General to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest and bond which may have been issued in Mr. Skole's case. It further provided that, from the date of its enactment, Mr. Skole would no longer be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Records of the Department of the Army show that Peter Skole, also known as Peder Skole and Peter Skole Peterson, was born in Denmark on July 2, 1896, of Danish-born parents. His birthplace in that country has been variously stated as Rind or Herning. His original name was Peter Skole Peterson but he has stated that his father dropped the name Peterson in 1904 and that Skole became the family name.

Mr. Skole has never served with the United States Army. However, prior to his original entry into this country, it appears that he did serve as a member of the Danish Army from 1914 until 1921. While so serving, he attended the Solvegade School (physical instructors school) at Copenhagen, Denmark. In January 1917, while a member of the Third Detachment of Artillery of Denmark, he was found guilty of theft and was sentenced to a term of 2 to 5 days' imprisonment on bread and water. On August 19, 1920, he was sentenced to 40 days' imprisonment at Odense, Denmark, for fraud and false pretenses. On March 21, 1921, he was sentenced to 40 days' imprisonment at Poskilde, Denmark, for fraud. He has admitted an arrest in London, England, in 1921 while en route to America but claimed that this was because the authorities believed him to be a German.

He first entered the United States on a nonquota basis on June 6, 1921 at Brooklyn, N. Y., while a crewman aboard a vessel. On December 17, 1921, apparently at Elkton, Md., he married Rosa Cenia Michaelsen, also a native

of Denmark. There are three sons of their marriage, all born at Philadelphia, Pa., who would all now be of age. These are Warren Edward Christian Skole, born August 1, 1922; Edward Peter Skole, born December 28, 1923; and Thomas (Tommy Tilo) Skole, born September 13, 1932.

Following his original entry into the United States, Mr. Skole returned to Denmark on two occasions for the purpose of visiting his parents. On the first of these, he is stated to have departed from this country on July 31, 1930, and to have returned on November 19, 1930, arriving at New York, N. Y. On the second, he departed in February 1931 and returned on a date variously stated by him to have been March 22, 1931, or April 1931. On one of these occasions, he apparently entered under the quota system. His alien registration number is 1724799. He registered as an alien with the Immigration and Naturalization Service, Department of Justice, on September 7, 1940, and at that time stated that he applied for first citizenship papers in 1932 at Philadelphia, Pa., that such papers were received in 1932 with the number 3–1324148 at Philadelphia and that he filed a petition for naturalization May 14, 1940, at Fort Wayne, Ind. At this time he gave his name as Peder Skole. On another occasion, he stated that he filed a declaration of intention to become a citizen on November 12, 1941, under the number 1724799, at Fort Wayne, Ind.

On June 17, 1931, shortly after his last entry into the United States, Mr. Skole was arrested at Patterson, N. J., for passing worthless checks, but the case was dismissed. He again was arrested at Paterson, N. J., on November 23, 1931, for passing worthless checks and was given a 3 months' sentence which was suspended. On November 20, 1931, he was accused of passing worthless checks in Ridgewood, N. J., but failed to appear in court, and in 1943 when the matter was reported to the Department of the Army, action on it was still pending. In July 1933, and again on May 7, 1936, he was arrested at Philadelphia, Pa., for passing worthless checks, but the charges were dropped on each occasion. On January 31, 1938, he was arrested at Kingsport, Tenn., for issuing worthless checks, but the prosecution failed to appear. On April 2, 1938, he was again arrested at Philadelphia, Pa., for issuing and passing worthless checks, but was later released. On June 18, 1938, he was arrested at Philadelphia on the charge of obtaining money by false pretenses and of uttering and issuing worthless checks, was found guilty and was placed on probation for 3 years. On June 15, 1940, he was arrested at Fort Wayne, Ind., for forgery, was convicted, and was sentenced to a term of 2 to 14 years at the Indiana State Penitentiary, but the sentence was suspended and he was placed on probation. He again was arrested on November 27, 1941, in Indiana for forgery, the previous suspension was revoked and he was received at the Indiana State Penitentiary on December 1, 1941, to serve the 2- to 14-year term, but was paroled about a year later.

He appears to have been employed by the Rivoli (or Waverly) Hosiery Co., Plainfield, N. J., from 1926 until 1930 or 1933. From October 20, 1936, until June 12, 1937, Mr. Skole is reported to have been employed by the Quaker Knitting Mills, Philadelphia, Pa., as a legger knitter but this was not verified. He was employed by the Wayne Knitting Mills, Fort Wayne, Ind., from September 6, 1938, until May 14, 1940, as a knitter and was discharged. From March 25, 1941, until October 3, 1941, he was employed by the Price Tool & Machine Works, Fort Wayne, Ind., and was discharged. He was employed by the Morco Manufacturing Co., Fort Wayne, Ind., in 1943 and was discharged without recommendation. From March 2, 1943, until August 31, 1943, he was employed by Studebaker Aviation, Inc., and was discharged. On September 7, 1943, he was employed by the General Electric Co., Fort Wayne, Ind. His social security number is 183–09–7849.

Following his employment by the General Electric Co. which was then engaged in war work, a loyalty and character investigation of Mr. Skole was undertaken by this Department (then the War Department). The above information regarding him was obtained during this investigation. No information was obtained which would indicate that he was disloyal or subversive. The employment information is not necessarily complete for the period involved as Mr. Skole was allegedly engaged in odd jobs during part of the period, some purported employers failed to return questionnaires addressed to them and others preferred to make no statements in writing. Reasons given by employers for discharging him included the following:

"He was caught placing faulty hose from his sack into another man's sack and replacing them with good ones. * * * caused the plant trouble by writing bad checks * * *."

"* * * he continued to steal tools from the plant and sell them."

"* * * he could not get along with other men * * *."

"* * * he could not read micrometers and O. K. setups, and because he was absent too much."

It is not known whether the criminal record outlined above, which was obtained from the police departments concerned, represents his complete criminal history for the period involved. Inquiry among persons acquainted with him at various times prior to September 1943, indicated that throughout this period he had a general reputation for dishonesty and unreliability. However, no record of disloyalty or subversive activities was discovered and clearance for his employment was granted to the General Electric Co. on September 10, 1943. No information with regard to Mr. Skole subsequent to that date has been obtained.

Sincerely yours,

C. J. HAUCK, JR.,
Brigadier General, GS,
Chief of Legislative Liaison.

STATE OF INDIANA,
County of Allen, ss:

Rosa Skole, being duly sworn upon her oath, says that she is the wife of Peter Skole; that she came to this country in the year of 1920 and that her husband, Peter Skole, came to this country in 1921; that they were married December 17, 1921; that this affiant and her husband have continuously, since their entry into United States, resided here except for short visits to their homeland in Denmark; and that their three children were born in the United States of America.

Affiant further says that prior to 1950 her husband, on a few occasions, became involved in difficulty with the law by procuring money through improper checks, that all of the amounts involved were small and that restitution was made in all cases. That since 1950, when her husband was charged with forging a $60 check, plead guilty, and received a suspended sentence, a change has taken place in the attitude of her husband, and that since said time not only has he been a dutiful husband but has been reemployed by the General Electric Co., has worked steadily, has been able to save some money, has taken an interest in his children and grandchildren, and has been a respected citizen and provider for his family.

Affiant further says that she is entirely dependent upon her husband for support and that, were he deported, it would work not only a financial but a great mental hardship upon her, and that it would result in the breaking up of a family between which the most close ties exist.

Further affiant sayeth not.

ROSA SKOLE.

Subscribed and sworn to before me, a notary public in and for said county and State, this 13th day of August 1954.

[SEAL] LLOYD S. HARTZLER,
Notary Public.

My commission expires January 25, 1955.

STATE OF INDIANA,
County of Allen:

Lloyd S. Hartzler, being duly sworn upon his oath, says that he is over the age of 21 years, is a lawyer practicing at the Allen County Bar, and that he is a past district governor of Lions International, a former assistant United States district attorney for the Northern District of Indiana, and that at the present time he is the Republican county chairman of Allen County, State of Indiana, and resides at the city of Fort Wayne.

Affiant further says that he is well-acquainted with Peter Skole and with his wife and children. That in 1950 this affiant represented the said Peter Skole in a criminal charge brought against him in the Allen Circuit Court. That through acquaintanceship with Peter Skole and his family, the investigation made at the time of representation of Peter Skole in the criminal prosecution in the Allen Circuit Court, and from the conversations with numerous citizens of this community, this affiant is well acquainted with the circumstances surrounding Peter Skole and his family.

Affiant further says that after the said Peter Skole was admitted to this country he was involved in various difficulties, all of them having been brought about by difficulty in getting along because of the fact that without proper financial requirements the said Peter Skole hung around taverns and drank too much.

That, in November 1941, he was charged with forgery in the Allen Circuit Court, was convicted and served a small amount of time; that the amount involved in this transaction was not large. After his release from prison, he improved his general conduct and got along fairly well until the latter part of 1949, at which time he again commenced drinking and, being short of funds, forged a check in the amount of $60, signing a fictitious name as the maker and then proceeding to cash said check. That on January 5, 1950, Peter Skole appeared in court, represented by this affiant, with his wife and children and plead guilty. Restitution was made for the amount involved and the court gave Mr. Skole on his plea of guilty, a suspended sentence.

Affiant further says that since 1950, the said Peter Skole has mended his ways and not only has he been a dutiful husband but he has refrained from hanging around taverns, has stopped drinking to excess, has supported his wife and family, and has been a respected citizen of this community; that on June 18, 1951, Mr. Skole was reinstated by the General Electric Co., where he had formerly been employed, and since that date has been steadily employed by said company, has been a trusted employee and has been able to save in excess of $500, that he is so employed at the present time.

Affiant further says that Mr. Skole is married and resides with his wife, Rosa Skole, who is entirely dependent upon him for support; that he is the father of 3 children, namely, Warren, who is 32 years of age, Edward, aged 30 years, and Thomas, aged 21 years. That all of said children were born in the United States. That both of the older sons, Warren and Edward, served and are veterans of World War II, and were called back and both served in the Korean war, Warren having served in the Korean war in this country and Edward having served overseas. That the youngest son, Thomas, is now serving in the United States Army.

Affiant further says that there is no record on the part of any member of the Skole's family or Peter Skole himself, of any disloyalty to this country, and, with the exception of the mistakes made by Peter Skole in order to acquire money, they have been good American citizens.

Affiant further says that the children of Peter Skole have four children and that, were Peter Skole to be deported, it would work an extreme hardship on the family, that it would deprive Peter Skole's wife of any means of support, would separate the children and grandchildren, with no benefit either to this Government, its people or the Skole family.

That this affiant believes the best interests of everyone would be served by granting discretionary relief and that such action would meet with overwhelming approval by all of those in this community knowing Peter Skole and his family.

Further affiant sayeth not.

LLOYD S. HARTZLER.

Subscribed and sworn to before me, a notary public in and for said county and State, this 13th day of August 1954.

[SEAL] ESTHER GRACE ROBINSON,
Notary Public.

My commission expires April 23, 1955

MARCH 2, 1955.

Hon. W. E. JENNER,
Senator from Indiana.

DEAR SIR: In reference to Mr. Peter Skole. I have known Mr. Skole for 6 years. I believe that he is worthy to receive your utmost consideration.

Mr. Skole is father of three young American men that served their country in time of war and in peace.

In visiting in their home in Fort Wayne, I found Mr. Skole as a home-loving man, and he as a host, exerted every effort to make our visit a happy one.

I will be happy to write more on request.

Yours respectfully,

Rev. CHARLES N. BISHOP,
Denver, Colo.

Hon. WILLIAM E. JENNER,
Senator from Indiana, Washington, D. C.:

I am writing you this letter because I feel a grave injustice is being considered against my father, Peter Skole, and with the sincere hopes you will be able to help us.

I know the United States Government will do what is right. I am hoping with all my heart they will see that deporting my father would be wrong.

He has always loved our country very much. He has proven this many times over to his family and friends.

He has made mistakes just as all of us have. He was punished for them, and paid dearly for it.

He has always been a wonderful father to his family. He has raised his family with Christian ideas. I only hope I can accomplish and raise my own family as well as he has done.

When the United States needed them, he gave his three sons and felt proud to do so. He worked hard and steady to protect the ideals of this country, which we are proud to call a democracy.

To break up, and take his family away from him now after he has worked so hard to build and protect it would surely be a terrible thing to do.

I sincerely hope the Government will realize this also, and allow my father to continue to live his life in the only way he knows how, the American way.

Yours sincerely,

THOMAS T. SKOLE.

DENVER, COLO., *March 3, 1955.*

Hon. WILLIAM E. JENNER,
Senator from Indiana, Washington, D. C.

DEAR SENATOR: I am writing in behalf of my father, Peter Skole, who is up for deportation.

My father has done wrong in his time but he has always been a loyal person to the United States. In the last 6 years he has taken good care of his family and has a good position with the General Electric Co.

All of his sons including myself have served in the Armed Forces in both World War II and the Korean war, and we have honorable discharges from the service.

I cannot see where our country would benefit by his deportation. All it would accomplish would be to break up a strong family relationship.

As I said before, Dad has been a good father to us and a good American with the exceptions of his mistakes.

Please give him a chance to remain in this country.

Sincerely yours,

EDWARD SKOLE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1253) should be enacted.

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AUG 2 1955
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Calendar No. 918

84TH CONGRESS, 1st Session } SENATE { REPORT No. 911

MARIA IOANNOU KARVELIS AND HER THREE MINOR DAUGHTERS, MARTHA KARVELIS, BOELETA KARVELIS, AND EUTERPI KARVELIS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1322]

The Committee on the Judiciary, to which was referred the bill (S. 1322) for the relief of Maria Ioannou Karvelis and her three minor daughters, Martha Karvelis, Boeleta Karvelis, and Euterpi Karvelis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Maria Ioannou Karvelis and her three minor daughters, Martha Karvelis, Boeleta Karvelis, and Euterpi Karvelis. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 46-year-old widow and her 11-, 13-, and 15-year-old daughters who are all natives and citizens of Greece. They entered the United States at New York on August 24, 1951, as visitors. All three of the girls were born with congenital dislocation of the hips. Their father was in the Greek Army and was killed during the war. After the war their great uncle, Mr. A. P. Collins of Montgomery, Ala., went to Greece and had the children taken to a hospital in Athens. The children didn't seem to respond to treatment, so the family came to the United States for medical treatment. The children have been in the Shriners Hospital in

Shreveport, La., where they are still undergoing operations and treatment. Meanwhile, they are attending school in this country. The uncle has agreed to support the beneficiaries. The mother has 1 brother in Greece, 1 brother and several other relatives in the United States.

A letter, with attached memorandum, dated June 7, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1322) for the relief of Maria Ioannou Karvelis and her three minor children, Martha Karvelis, Boeleta Karvelis, and Euterpi Karvelis, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Mobile, Ala., office of this Service which has custody of those files.

The bill would provide that the beneficiaries shall be held and considered to be lawfully admitted to the United States for permanent residence as of the date of enactment upon payment of the required visa fees. It would also provide that the required numbers be deducted from the appropriate quota.

The beneficiaries are chargeable to the quota for Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA IOANNOU KARVELIS AND HER THREE MINOR DAUGHTERS, MARTHA KARVELIS, BOELETA KARVELIS AND EUTERPI KARVELIS, BENEFICIARIES OF S. 1322

Maria Ioannou Karvelis and her three minor children are all natives and citizens of Greece. Maria Ioannou Karvelis, a widow, was born at Kilma, Glossa, Skopelos, Greece, on July 28, 1908. Her minor children, ages 11, 13, and 15, were all born on the island of Skopelos, Greece. They were admitted to the United States at New York, N. Y., on August 24, 1951, as temporary visitors. Due to their failure to depart after the expiration of their authorized stay deportation proceedings have been instituted against them. Although they have been granted the privilege of departing from the United States voluntarily they have not as yet availed themselves of this privilege.

Mrs. Maria Ioannou Karvelis has remained in Montgomery, Ala., during her residence in the United States, with the exception of visits to Shreveport, La. Although, the children are presently residing in Montgomery, Ala., where they attend Capitol Heights Grammar School, a great portion of their stay in this country has been at the Shriners Hospital for Crippled Children at Shreveport, La. Each child suffers with congenital dislocation of both hips. This ailment has required the children to have numerous operations. It is necessary for the 2 younger children to have 1 or 2 more operations, the first of which has been scheduled for June of this year at the Shriners Hospital at Shreveport, La.

Mrs. Karvelis has not been gainfully employed either in this country or in Greece. She has been supported by Alex P. Collins, an uncle. Mr. Collins owns a home and interest in a restaurant. He is estimated to be worth approximately $20,000 and has an income of about $5,000 per year.

Mrs. Karvelis attended school in Greece for 4 years. Her only relative abroad is a brother who resides in Greece. She has no home or other family ties in Greece. Her brother, an uncle, and other relatives are residents of this country.

Senator Lister Hill, the author of the bill, has submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D. C., June 18, 1955.

IMMIGRATION SUBCOMMITTEE, SENATE JUDICIARY COMMITTEE,
United States Senate, Washington, D. C.
(Attention Mr. Bob Burton.)

DEAR SENATORS: I appreciate this opportunity to provide information in support of S. 1322, a private bill I introduced for the relief of Mrs. Maria Ioannou Karvelis and her three minor daughters, Martha Karvelis, Boeleta Karvelis, and Euterpi Karvelis.

The daughters of Mrs. Karvelis were born during the wartime German-Italian occupation on Greek island of Skopelos. All were born with dislocated hips. The father of the children was in the Greek Army and was killed in 1944. Their great uncle, Mr. Alex P. Collins, of Montgomery, Ala., went to Greece after the war and found the children well on the way to becoming cripples. Their ailment, if it remained uncorrected, could have made them permanent cripples by the time they reached womanhood. He arranged for the children to go to Athens for treatment, where they remained in casts for months without showing any improvement. On returning to Montgomery, he determined to bring them, if possible, to the United States for treatment. Arrangements were completed to bring the children and their mother to the United States, and the children entered the Shrine hospital at Shreveport, La.

The children have made splendid progress under the treatment received at the Shrine hospital and although still not finally released by the hospital, they have been able to spend some of their time with Mr. Collins in Montgomery, Ala., who is willing and able to provide Mrs. Karvelis and the children a home. The Immigration and Naturalization Service has given the beneficiaries of this bill until August 1, 1955, to voluntarily leave the United States but indicated to me that a further extension will be accorded to permit action by Congress on S. 1322.

The children have attended public schools in Montgomery and are, of course, eager to remain in the United States. Mr. Collins recently purchased a home in the Capitol Heights section of Montgomery for the purpose of caring for his niece, Mrs. Karvelis, and her daughters. They have no close relatives in Greece. They have no income and are entirely dependent on Mr. Collins for support. He is financially able to care for and educate the children as they grow up.

Application was made for adjustment of Mrs. Karvelis and her daughters' status under section 6 of the Refugee Relief Act of 1933, but the application was withdrawn because Mrs. Karvelis stated she was unable to establish that she could not return to the country of her birth because of fear of persecution on account of her race, religion, or political opinion. At this point and upon the request of many outstanding citizens and Shriners of Montgomery, Ala., including, of course, Mr. Alex P. Collins, I introduced S. 1322, for the purpose of according permanent residence to Mrs. Karvelis and her daughters.

Let me urge the committee's most sympathetic consideration of all the facts and circumstances involved. I hope very much that you will find it possible to report the bill favorably to the Senate. Enactment of the bill will assure continued needed medical treatment for these children and a good home and education for them. Otherwise, they will be faced with the necessity of returning to Greece where this widow and her children have no income or means to provide for themselves.

Thanking you for your earnest and sympathetic consideration and with kindest regards, I am,

Very sincerely,

LISTER HILL.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1322) should be enacted.

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84TH CONGRESS, 1st Session — SENATE — REPORT No. 912

HONG BAN, ALSO KNOWN AS GEORGE MON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1417]

The Committee on the Judiciary, to which was referred the bill (S. 1417) for the relief of Hong Ban, also known as George Mon, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hong Ban, also known as George Mon. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native and citizen of China who claims to have entered the United States at New York on May 14, 1941, as a seaman. His application for suspension of deportation was approved by the Attorney General in 1951 but failed to receive approval by the Congress. The beneficiary owns and operates a restaurant in Atlantic City which has a gross income of $33,000 per year. He employs 2 persons the year round and 8 persons during the summer season. His parents are deceased.

A letter, with attached memorandum, dated May 17, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

MAY 17, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1417) for the relief of Hong Ban, also known as George Mon, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable as a quota immigrant to the quota for the Chinese.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HONG BAN, ALSO KNOWN AS GEORGE MON, BENEFICIARY OF S. 1417

The beneficiary, Hong Ban, also known as George Mon, is single, a native citizen of China. He was born January 18, 1917, at Pu Yee, Canton, China. Mr. Ban has claimed entry into the United States at New York, N. Y., on May 14, 1941, as a seaman on the steamship *Galan*. This Service has not been able to verify his entry as claimed. He has testified that at the time of his arrival he intended to remain in the United States permanently. Therefore, he was not a bona fide seaman at the time of his entry.

Deportation proceedings were instituted December 19, 1949, on the grounds that Mr. Ban was not in possession of a valid immigration visa at the time of entry. He was accorded a hearing at which time he filed an application for suspension of deportation. This application was approved by this Service and presented to Congress in 1951. The Congress failed to take favorable action on this application and a warrant of deportation was issued for Mr. Ban on December 6, 1954, which is outstanding.

Mr. Ban's parents are deceased. He has no close relatives in the United States or China. He has had 7 years of public schooling in China.

Mr. Ban is the owner and operator of a restaurant with a gross income of $33,000 a year. His assets consist of a home which he owns and restaurant equipment. He employs 2 persons year round and 8 persons during the summer season in his restaurant. Mr. Ban presently resides at 1925 Atlantic Avenue, Atlantic City, N. J.

Senator H. Alexander Smith, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

GREEN'S ARMY & NAVY STORE,
Atlantic City, N. J., February 21, 1955.

To Whom It May Concern:

This is to inform you that I have known George Mon for a period of 2½ years, since he has leased a store from me and has been conducting a Chinese and American restaurant at 1925 Atlantic Avenue., Atlantic City, N. J.

In my dealings with him as a tenant I have found him to be a man of honesty and sincerity. I have also come in contact with many of his customers who eat in his restaurant, and they also have a very high regard for him and the way he conducts his business.

In my humble opinion, I believe he is qualified to become a good and loyal citizen of our beloved country, these United States of America.

Very truly yours,

MAX GREEN, *President.*

CITY SUPPLY CO. OF ATLANTIC CITY,
Atlantic City, N. J., February 16, 1955.

To Whom It May Concern:

We have been doing business as a supplier with George Mon and have been patronizing his establishment for the past 2½ years. We have found him to be honest, clean, and of good moral character, to the best of our knowledge.

We are of the opinion that George Mon would make a good American citizen.

Very truly yours,

SAMUEL LEAVY.

MASON CO., INC.,
Atlantic City, N. J., February 16, 1955.

To Whom It May Concern:

George Mon, proprietor of New Asia Restaurant, Atlantic City, N. J., has been a customer for several years. He is well regarded by our firm as he has conducted himself in a very satisfactory manner.

Through this long business relationship we have had the opportunity to acquaint ourselves with him in a personal manner and find him of good moral character.

He is intelligent, industrious, and a very desirable customer.

Very truly yours,

LEWIS F. MASON, *Manager.*

M. WAGENHEIM SONS,
Atlantic City, N. J., February 16, 1955.

To Whom It May Concern:

We have been doing business with Mr. George Mon for the past 7 years and have found him of good reputable business and moral character and prompt in his payment of bills.

He operates a fine Chinese restaurant, buys merchandise of the best quality, and we feel that an establishment of this type is indeed an asset to the community.

Sincerely yours,

M. WAGENHEIM SONS.
By SAM WAGENHEIM.

ATLANTIC CITY, N. J., *February 15, 1955.*

To Whom It May Concern:

I have known George Mon for the past 3 years.

As a wholesale restaurant and hotel supplier, I have been doing business with him for the past 2 years, during which time I have had an excellent opportunity to acquaint myself with his character, which is very good. He is at present conducting a very outstanding restaurant in Atlantic City and has an excellent reputation with both his vendors and customers. He is in my opinion an honest and thirfty individual with a will to be industrious. He also is of a good moral character and I feel sure he will be a credit to this country.

Very truly yours,

LOUIS C. KURTZ.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1417) should be enacted.

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Calendar No. 920

84TH CONGRESS, 1st Session | SENATE | REPORT No. 913

CORAZON A. MANAYAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1438]

The Committee on the Judiciary, to which was referred the bill (S. 1438) for the relief of Corazon A. Manayan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Corazon A. Manayan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The benificiary of the bill is a 32-year-old native and citizen of the Philippines whose only entry into the United States was at Honolulu, T. H., on September 12, 1951, when she was admitted as an exchange visitor to complete her internship as a doctor of medicine. She interned at St. Francis Hospital in Honolulu and presently is resident physician in St. Mary's Hospital, Minneapolis, Minn. She served in the Fil-American irregular troops and was also assigned as a lady secret service under the United States forces. The beneficiary also rendered medical service to the United States and guerrilla forces. Her father is a naturalized citizen of the United States with 30 years' service in the United States Army.

A letter, with attached memorandum, dated May 26, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 26, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1438) for the relief of Corazon A. Manayan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon the payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota of the Philippines.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING CORAZON A. MANAYAN, BENEFICIARY OF S. 1438

The beneficiary, Corazon A. Manayan, a citizen of the Philippines, was born December 11, 1922, at Pasuquin Ilocos Norte, Philippine Islands. She is single and has never been married.

The beneficiary resides at 2500 Sixth Street, Minneapolis, Minn., and has been employed as a resident physician at St. Mary's Hospital, Minneapolis, Minn., since September 1953, specializing in obstetrics and gynecology. She receives a stipend of $200 per month, room and board. She has $700 in a savings account and $300 in United States savings bonds. No one is dependent upon her for support. The beneficiary completed medical training and received the degree doctor of medicine, in Manila, Philippine Islands.

The beneficiary has two brothers in the United States who are medical doctors serving as resident physicians. They were admitted to the United States as exchange visitors. Her father, mother, two sisters, and a brother are residing in the Philippine Islands. She resided in the Philippine Islands from birth until her entry into the United States.

The beneficiary's only entry into the United States was at Honolulu, T. H., September 12, 1951, when she was admitted as an exchange visitor for 1 year. Extensions of her temporary stay were granted until October 15, 1955. Deportation proceedings were instituted March 29, 1955, and the beneficiary was found deportable on the ground that after admission as an exchange visitor, she failed to maintain the status in which she was admitted. An order was entered by a special inquiry officer April 4, 1955, granting her the privilege of departing voluntarily from the United States.

The beneficiary served in the Fil-American irregular troops, Philippine Islands, as a second lieutenant from March 1, 1943, until the liberation of the islands in 1945. She was assigned as a lady secret service under the division provost marshal by Col. Hugh Stranghn, United States Army, division commander. She also served as a nurse and medical assistant in the advance fuel depot at Dirique Inlet barrio of Davilla, Pasuquin Ilocos Norte, Luzon, Philippine Islands, from March 3 to June 4, 1945, and was recognized in the deserving unit of the Philippine guerrilla forces by the Philippine Veterans Board at Manila and was granted educational benefits on November 20, 1948. The beneficiary's father, Enrique Manayan, served as a Philippine Scout for approximately 15 years beginning in 1912. He later joined the Regular United States Army, where he served until his retirement in 1945.

Senator Hubert H. Humphrey, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
June 20, 1955.

Re S. 1438 Manayan, Corazon A.

Senator HARLEY M. KILGORE,
Chairman, Senate Committee on the Judiciary,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: In connection with the private relief bill I have introduced for the above-named alien, I wish to bring to the attention of the Committee on the Judiciary the following supporting information.

Dr. Corazon Manayan is a resident doctor at St. Mary's Hospital in Minneapolis, Minn. Her father is a naturalized citizen of the United States who served with the United States Armed Forces for 30 years. In 1941 he was stationed in Honolulu, T. H. At that time it was his intention to bring his family to Hawaii and thereby secure American citizenship for his children, all of whom were then minors. The bombing of Pearl Harbor made it impossible for him to carry out this intention, and when he was mustered out of the United States Army in 1944 and returned to his family in the Philippine Islands, his daughter, Corazon, had reached the age of majority and was no longer eligible for derivative citizenship.

At the present time Dr. Corazon Manayan is in the United States as an exchange visitor. Her ambition is to become a citizen of the United States so that she may devote her time and her talents as a physician to the care of the sick in Hawaii, particularly in the area of the cure and prevention of tuberculosis.

Attached with this letter are exhibits attesting to the service to the United States rendered by Dr. Manayan during World War II, as a member of the Lady Secret Service of the Philippines under a United States Army division commander. She would be entitled to citizenship as one who has honorable service in the military forces of the United States but for the fact that the enabling section of our immigration laws requires enlistment within the continental United States or certain specified territories. These territories do not happen to include the Philippine island upon which she was then living.

In view of the fact that her father is a citizen, a veteran of long service in the Army, and that she herself has rendered honorable, risky and valuable service to the United States military forces, and that she desires to live in Hawaii in order better to service the residents of this American Territory, I feel it would be a real advantage to this country to grant her citizenship and enable her to render the service which she appears to be capable and anxious to contribute. Approval by the Congress of her permanent residence, the lack of which is the primary obstacle toward the attainment of her citizenship, is urged and wholeheartedly endorsed by me.

Sincerely yours,

HUBERT H. HUMPHREY.

ST. MARY'S HOSPITAL,
Minneapolis, Minn., March 3, 1955.

Senator HUBERT H. HUMPHREY,
Senate Office Building, Washington, D. C.

DEAR SENATOR HUMPHREY: I am very thankful for the interest which you have shown regarding my desire to remain permanently in the United States. Louise Herou has told me about your letter and I could hardly wait to express my sincere gratitude.

Maybe Louise has already told you most of the important facts about my status but I would like to mention to you why I hope to stay here in the United States. It has been my father's long intention to bring the family to Honolulu, where he was stationed before the war. He was then in the United States Regular Army stationed at Schofield Barracks, and he had been naturalized as an American citizen. Just before he was to get his furlough, however, an order was passed canceling all furloughs. After the war he came home and retired from service. He could not then bring the family to Honolulu or the United States because 2 of us were over 21 years old and we could not obtain any quota number. Before I came to the United States in 1951 I tried again, but the only visa they could give me was an exchange visitor's visa. I obtained a visitor's visa and went to Honolulu where I worked at St. Francis Hospital under the exchange visitor's program While I was there, I had a chance to survey the different plantations where most of the Filipinos work as common laborers. I was then a guest of the Tuberculosis Society to speak in my own language to my people regarding health, especially

the preventive measure against tuberculosis. The majority claimed that their main problem is that they don't speak enough English to describe their symptoms and comply properly with the instruction without the help of a third person, which is not always available. They have an inferiority complex that they don't want to see a doctor—not until it is too late to do something for them. I was so impressed of this problem that I went to the immigration office to inquire about the number of Filipinos in the entire Territory of Hawaii. I was then told that there are about 50,000 Filipinos and about 65 percent of this number are common laborers in different plantations. Most of these workers speak very little English. They requested me to stay and practice there so somebody could understand them and explain to them things in their own language they could grasp easily.

What I had seen only increased my desire to become a citizen of the United States. I asked the immigration office for possibilities to change my visa, but they said it is not within their power to do it. They mentioned to me that the only possible way to obtain one is a special bill presented in Congress. I planned to present my case to the late Senator Farrington. Before I had a chance to see him, it was time for me to come to the United States because I could not stay longer in the hospital where I worked since they had only a 1-year approved residency in the field in which I am specializing. So I came to Minneapolis, Minn., and continued my training in obstetrics and gynecology at St. Mary's Hospital. Here I met Lousie's mother as a patient and I was introduced to Louise later. I became very close to the family, having no family of my own here. I then had a chance to tell her all of my problems. She told me then that she would present my case to you for consideration.

My visa, No. V 1669656, expires on October 15, 1955. My passport number is CH 75 and expires in September 1956.

Thank you again for your kind offer to help me stay in America.

Sincerely,

Dr. CORAZON MANAYAN.

CORAZON AGUDA MANAYAN

Born: January 10, 1922, in Pasuquin, Ilocos Norte, Philippine Islands.

Educated: University of Santo Tomas, Manila, Philippine Islands; degrees in liberal arts and in medicine.

Advanced training: One year's internship at St. Mary's Hospital in Honolulu, T. H., September 1951 to September 1952; 1 year's residency in obstetrics and gynecology at St. Francis Hospital, Honolulu, T. H., September 1952 to September 1953; 2 years' residency in obstetrics and gynecology at St. Mary's Hospital, Minneapolis, Minn., September 1953 to September 1955 (not completed).

Father, Enrique P. Manayan

Born in San Nicolas, Pangasinan, Philippine Islands. Enlisted in about 1914 in the Philippine Scouts, which was a branch of the United States Army. Remained continuously in the Scouts until 1934, at which time he reenlisted in the United States Army, 11th Infantry, 8th Field Artillery, stationed at Schofield Barracks in Honolulu. Was stationed in Honolulu when Pearl Harbor was bombed, December 7, 1941. Took part in the invasion of New Guinea. Was then sent to Australia and then to the United States, where he was mustered out in 1944. Was thus on active duty with the United States Army for 30 years.

Citizenship: Was naturalized a citizen of the United States on May 15, 1941, petition No. 4341, at Honolulu, T. H. His serial number was 5089102. Presently receives a pension from the United States Government for Army service.

Mother, Valentina Aguda Manayan

Born in Pasuquin, Ilocos Norte, Philippine Islands.

Citizenship: Philippine.

Occupation: Operates a farm and engages in various small business activities.

Brothers and sisters

Enrique A. Manayan.—Age 28. Physician and surgeon taking advance training at Goldwater Hospital, New York, N. Y. Citizenship is Philippine, but is engaged to marry American citizen.

Bienvenido Manayan.—Age 27. Physician and surgeon taking advanced training at Bronx Hospital in New York, N. Y. Citizenship is Philippine, but is married to a Filipino and will make home in the Philippine Islands.

Federico Manayan.—Age 22. Student at the University of Santo Tomas in Manila. Senior in mechanical engineering. Citizenship, Philippine.

Avelina Manayan.—Age 19. Studying nursing at the Far Eastern University in Manila. Citizenship, Philippine.

Lorna Manayan.—Age 14. Is in the third year of high school. Citizenship, Philippine.

In December of 1941, when the Philippine Islands were invaded by the Japanese Army, Dr. Corazon Manayan was attending the University of Santo Tomas, Manila, Philippine Islands. The families of the 45th Infantry Division of the United States Army were evacuated, and Dr. Corazon Manayan accompanied these families to Louisianna Laguna. During this evacuation, it was her duty to administer first aid to those requiring this attention. When the Japanese commenced making landings in this area, the group was split and sent in different directions. Thereafter Dr. Corazon Manayan returned on foot to her home in Ilocos Norte. She stayed there until December of 1942 when she returned to Manila to resume her studies at the university. On March 1, 1943, Dr. Corazon Manayan enlisted in the guerrilla forces under the command of Col. Hugh Straughn, United States Army division commander. She was appointed to the rank of second lieutenant in the Lady Secret Service. It was her duty to go to the various Japanese troop centers in and around Manila in order to study troop movements; estimate the number of guns, troops, and tanks in the area; locate artillery emplacements; and in general keep the guerrilla forces informed about the activities of the Japanese Army. In November of 1943 Dr. Corazon Manayan requested permission to return to her home, which permission was granted.

At this time the Japanese were conducting extensive naval activities in the vicinity of Dr. Manayan's home town of Pasuquin, Ilocos Norte, Luzon Island. It was again her duty to observe and report on the activities of the Japanese Army. Early in 1944 a new guerrilla unit was formed in the vicinity of Dr. Manayan's home town by the survivors of Bataan. A Woman's Auxiliary Service was formed, and Dr. Manayan was named as executive officer of this group. Guerrilla activity then increased, and the campaign to drive the Japanese south was started. Dr. Manayan was placed in charge of the field hospital, where wounded guerrillas were brought for medical treatment. The hospital, of course, was a mobile unit, and the patients had to be moved from place to place. The Japanese made several attempts to raid the hospital but the guerrillas were always able to evacuate before the Japanese arrived.

By the time the American forces returned to the Philippine Islands, the guerrillas were engaged in driving the Japanese from the province. During this maneuver Dr. Manayan was taken ill and separated from her unit. When she recovered, she went to the advance fuel depot at Dirique Inlet, barrio of Davilla, Pasuquin, Ilocos Norte, and worked there as a medical assistant from March 3 to June 4, 1945. During this time Dr. Manayan cared for American and Filipino soldiers who needed medical attention. Thereafter she went to Manila to the 22d Replacement Depot and worked as a medical technician, surgical technician, and X-ray technician. When her services were no longer needed, she returned to school.

Upon graduation from the University of Santo Tomas in Manila, she went to Hawaii where she took her internship. During her internship there, she learned that there were over 60,000 Filipinos living in Hawaii and that there were only 2 Filipino doctors there; that 65 to 75 percent of the Filipinos speak little or no English, and that as a result of their inability to speak the English language, they are unable to explain to the English-speaking doctors their ailments and, therefore, do not receive adequate and proper treatment. When Dr. Manayan was in Hawaii she served as a radio announcer once a week for several weeks on a program pertaining to cancer and TB societies and spoke on these programs in her native dialect. She was also taken on tour by the TB society to the various islands to talk to the Filipino people again in their dialect.

Upon completion of her internship at St. Francis Hospital in Honolulu, T. H., Dr. Manayan served a 1-year residency at this hospital. Thereafter, in September of 1953, Dr. Manayan came to St. Mary's Hospital in Minneapolis, Minn., where she began a 2 years' residency in obstetrics and gynecology. At the present time Dr. Manayan is still at St. Mary's Hospital.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1438) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 914

CLORINDA PERRI STURINO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1477]

The Committee on the Judiciary, to which was referred the bill (S. 1477) for the relief of Clorinda Perri Sturino, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Clorinda Perri Sturino. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Italy who entered the United States on August 29, 1951, at New York when she was admitted as a United States citizen. Her passport was issued on the basis that she had acquired citizenship through the naturalization of her father prior to her birth. It was subsequently discovered that her father's certificate of naturalization was revoked prior to the beneficiary's birth. She is married to an Italian citizen who is residing in Italy. The error in regard to her citizenship was revealed in the processing of her petition for a nonquota immigrant status for her husband. The beneficiary has a 3-year-old United States citizen child who resides with her in Melrose Park, Ill.

A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1477) for the relief of Clorinda Perri Sturino, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CLORINDA PERRI STURINO, BENEFICIARY OF S. 1477

Clorinda Perri Sturino, a native and citizen of Italy, was born in San Lucido, Cosenza, Italy, on April 1, 1931. She is presently residing at 142 North 21st Avenue, Melrose Park, Ill. On April 29, 1951, the beneficiary married Salvatore Sturino, a native and citizen of Italy, who is presently residing at Castigliano Cosendino, Cosenza, Italy. The beneficiary has one child of this marriage, Domenico Sturino, who was born in the United States on April 1, 1952, and who resides with the beneficiary.

The beneficiary has had no education and at present she is employed as a machine operator by the American Can Co. in Maywood, Ill., at a salary of about $1.65 per hour. She has no assets either in this country or abroad. The beneficiary's father, mother, brother, and two sisters reside in Italy. She has an uncle residing in Washington, Pa.

Clorinda Perri Sturino's only entry into the United States occurred at New York, N. Y., on August 29, 1951, at which time she was admitted as a United States citizen upon presentation of a United States passport. This passport was issued to her at the office of the United States consulate, Naples, Italy, on the basis that she had acquired United States citizenship at birth by virtue of the naturalization of her father in the United States prior to her birth. Records of this Service establish that while her father, Domenico Perri, had become a citizen by naturalization on June 6, 1918, his naturalization was revoked and the certificate which had been issued canceled on May 11, 1925. As the revocation was prior to the beneficiary's birth, the father was an alien at the time of her birth and, therefore, citizenship could not have been acquired at that time.

Deportation proceedings have been instituted and she has been found deportable from the United States on the ground that, at the time of her admission to the United States she was an immigrant not in possession of a valid immigrant visa. An appeal was taken from the order of deportation to the Board of Immigration Appeals which was dismissed on November 16, 1954. She has been granted the privilege of departing voluntarily from the United States but to date has failed to avail herself of that privilege.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
April 7, 1955.

Re S. 1477, Clorinda Perri Sturino

Hon. HARLEY KILGORE,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR KILGORE: For the information of your committee, please permit me to submit the attached information in support of S. 1477, for the relief of Clorinda Perri Sturino.

The beneficiary of this bill was born in Italy in 1931 and came to the United States in August 1951, having been issued a passport on her claim to United States citizenship by virtue of her father's naturalization and service in the United States Army. Her father was in Italy and himself submitted his naturalization certificate and honorable Army discharge to the American consul in support of his daughter's passport application.

When Mrs. Sturino had been in the United States for about 6 months she applied for a visa petition for her husband, who is in Italy, and it was discovered that Mrs. Sturino's father's United States citizenship had been revoked in 1925. At no time had Mrs. Sturino had any indication that her father's United States citizenship was no longer valid.

Mrs. Sturino's son was born after she came to this country and she has conducted herself in a creditable manner since her arrival here. She is steadily employed and has relatives in Melrose Park, Ill., where she lives.

It is my belief that Mrs. Sturino is worthy of favorable consideration and I hope that S. 1477 may be approved by your committee at an early date.

With kind regards,

Sincerely yours,

PAUL H. DOUGLAS.

OUR LADY OF MT. CARMEL CHURCH,
Melrose Park, Ill., January 12, 1955.

To Whom It May Concern:

This is to recommend Mrs. Clorinda Sturino, of 142 North 21st Avenue, Melrose Park, Ill.

I have found her to be an industrious person and above reproach.

Any consideration which may be shown her will certainly be given to a worthy person.

Thanking you kindly,

Rev. SALVATORE DEBITA, P. S. S. C.,
Pastor.

AMERICAN CAN CO.,
Maywood, Ill., January 14, 1955.

Subject: Clorinda Sturino, Melrose Park, Ill.

To Whom It May Concern:

This is to certify that Clorinda Sturino has been in the employ of the American Can Co. since June 12, 1952, until the present.

R. C. MUELLER,
Supervisor of Personnel.

DEPARTMENT OF POLICE,
Melrose Park, Ill., January 31, 1955.

To Whom It May Concern:

This is to certify that Mrs. Clorinda Perri Sturino has been a resident of the village of Melrose Park, Ill., for the past 3 years and during that time she has been known to be a person of good moral character. She has no police record of any kind.

Any courtesy that can be shown her will be greatly appreciated by the undersigned.

Thanking you in advance, I remain,

Sincerely,

CHARLES J. CALIENDO,
Chief of Police.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1477) should be enacted.

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Calendar No. 922

84TH CONGRESS, 1st Session | SENATE | REPORT No. 915

RURIKO HARA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1496]

The Committee on the Judiciary, to which was referred the bill (S. 1496) for the relief of Ruriko Hara, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 3-year-old native and citizen of Japan who is presently living there with her natural parents. The sponsor is a 30-year-old native and citizen of the United States. His wife is a native and citizen of Japan who was admitted to the United States on September 17, 1951. They have no children and it is their intention to adopt the beneficiary upon her arrival in the United States. The sponsor served in the United States Army for 3 years and was honorably discharged on April 7, 1950. He earns $100 per week as a truckdriver. The sponsor's wife is the sister of the beneficiary's mother.

A letter, with attached memorandum, dated June 23, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1496) for the relief of Ruriko Hara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the beneficiary by providing that she shall be considered the natural-born alien child of Masaki Toshi, a citizen of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota of Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING RURIKO HARA, BENEFICIARY OF S. 1496

Information concerning the beneficiary was obtained from Masaki Toshi, the sponsor, who resides at 151 Eleventh Avenue, Seattle, Wash.

The beneficiary, Ruriko Hara, is a native and citizen of Japan, born February 23, 1952. She is presently living in Japan with her parents, Shiro and Yaye Hara. She is the youngest of five children, is too young to be employed, and has never attended school. She has no income and is dependent upon her parents for support.

The sponsor, Masaki Toshi, is a native and citizen of the United States, born January 3, 1925. His wife, Tomoye Hara, a native and citizen of Japan, was admitted to the United States at Seattle, Wash., on September 17, 1951. Mr. and Mrs. Toshi have no children. The sponsor is employed as a truckdriver and earns an average of $100 per week. He has assets valued at $4,000. He served in the United States Army for 3 years and was honorably discharged on April 7, 1950. Mrs. Toshi is the sister of the beneficiary's mother. The beneficiary's parents have indicated their willingness to have their daughter come to the United States and live with the sponsor because of economic conditions in Japan. It is the intention of the sponsor to adopt the beneficiary upon her arrival in this country.

Senator Warren G. Magnuson, the author of the bill, has submitted the following letters and documents in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
March 24, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR: On March 18 I introduced S. 1496, for the relief of Ruriko Hara. This bill seeks to bring to the United States a 3-year-old Japanese child, daughter of Mrs. Toshi's sister, for adoption by Mr. and Mrs. Masaki Toshi, of Seattle, Wash.

Mr. and Mrs. Toshi have convinced me that it is practically impossible to obtain a Japanese child in this country for adoption. They have furnished me with the following attached pertinent papers:

1. Release of the child by her parents, Mr. and Mrs. Shiro Hara.
2. Affidavit by Mr. and Mrs. Maski of their intent to adopt the child.
3. Letter by Mr. P. Allen Rickles, attorney, of Seattle, with further background information.

Should there be any other data you need for the committee's consideration of the case, do not hesitate to call upon me.

Thank you and kindest personal regards.

Sincerely,

WARREN G. MAGNUSON,
United States Senator.

CONSENT

That Shiro Hara and Yayo Hara do hereby state that they are husband and wife, and that they are the father and mother of Ruriko Hara. That the said Ruriko was born on the 23d day of February 1952, and is now residing with them in their home at Oya Asahi-Machi, Nishimurayama-gun, Yamagata-ken, Japan. That they are the parents of four other children. That Yayo Hara is a sister of Tomoye Toshi.

That Shiro Hara and Yayo Hara have released and do hereby release and relinquish any and all right in or to the said Ruriko Hara to the care and custody thereof, and they do hereby each for himself, herself, and jointly consent by this writing to the legal adoption of the said Ruriko Hara by Masaki Toshi and Tomoye Toshi, his wife.

That we do hereby irrevocably consent that said persons, being husband and wife, may legally adopt said child and may take said child into their possession immediately, or as soon thereafter as is reasonably possible, upon the signing of this instrument, and we hereby relinquish and release any and all rights which we may now have or claim or may at any time hereafter have or claim in and to said child and to its care and custody, and we hereby voluntarily transmit these rights to our beloved Tomoye Toshi and her husband, Masaki Toshi.

Also, we hereby agree that no notices of any kind or character need be given to us of any adoption proceedings taken or had in connection with the adoption of said minor child.

SHIRO HARA.
YAYO HARA.

Witnesses:

YASOZI SHIRATA,
SYOJI HARA,
Nisimurayama-gun, Yamagata-ken.

AFFIDAVIT

STATE OF WASHINGTON,
County of King, ss:

Masaki Toshi and Tomoye Toshi, his wife, being first duly sworn upon their oath, depose and say:

That they are husband and wife and residents of Seattle, King County, State of Washington. That Masaki Toshi was born in Kent, King County, Wash., and has lived in said county and State most of his life, and he served for 3 years in the Armed Forces of the United States. That the said Masaki is 30 years of age, and that Tomoye Toshi is 26 years of age. That they have been married for a period of 4 years, and they have no children. That they have been advised by their physician that it is medically impossible for Tomoye Toshi to bear children.

That Ruriko Hara is a female child who will be 3 years of age on the 23d day of February 1955, and now resides with her parents in Yamagata-ken, Japan. That the said Ruriko is the daughter of Shiro Hara and Yayo Hara, his wife, who have four other children. The mother of the said Ruriko is a sister of Tomoye Toshi, and the said child bears a close resemblance to the said Tomoye Toshi. That Masaki Toshi and Tomoye Toshi are anxious and desirous and fully intend to adopt the said Ruriko Hara, if said child can be brought to the United States as a permanent resident. That by mutual understanding the said Ruriko Hara is being reared by the said Shiro and Yayo Hara as the child of the said Masaki and Tomoye Toshi.

That if the child is permitted to come to the United States as a permanent resident, the said Masaki and Tomoye Toshi do hereby give assurances and do guarantee that they will forthwith petition in the Superior Court of the State of Washington for King County to adopt the said Ruriko Hara as their own child. That in the event the said child can be brought to the United States as a permanent resident the said Masaki and Tomoye Toshi guarantee to assume full responsibility for said child, and do further hereby guarantee that they will amply provide for and take care of the said child and that she will at no time become a burden on charity or a public charge.

MASAKI TOSHI,
TOMOYE HARA TOSHI.

STATE OF WASHINGTON,
County of King, ss:

On this 15th day of February 1955, before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Masaki Toshi and Tomoye Toshi, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal affixed hereto the day and year in this certificate above written.

[SEAL] P. ALLEN RICKLES,
Notary Public in and for the State of Washington, residing at Seattle.

RICKLES, SOLOMON & HURWITZ

ATTORNEYS AT LAW

SEATTLE, WASH., *January 26, 1955.*

Hon. WARREN G. MAGNUSON,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Referring to your letter of January 21, concerning the desire of Mr. and Mrs. Toshi to adopt a Japanese child. Perhaps I had not made myself too clear in my previous letter. The Japanese child has not as yet been adopted. It would be quite impossible to adopt the child in the State of Washington without the child being in this jurisdiction. Upon arrival here of the child we could immediately thereupon complete the adoption here in King County. We could, of course, obtain the consent of the child's parents to the adoption at the present time. It might be possible to have the child adopted in Japan, which procedure simply consists of having the child's registration changed. Such an adoption, however, does not give the child a nonquota status. Even under such circumstances it would be necessary to go through the entire adoption proceedings in the State of Washington after the child arrives.

I have discussed this case in considerable detail with the local immigration authorities and also with Miss Ball of the adoption service for the King County courts. Miss Ball informed me that they recently had an identical situation, where the Japanese child had been brought to Seattle by a private bill, and the entire adoption proceedings took place here through her department and the Superior Court of King County subsequent to entry.

I would appreciate your advising if it would be possible to introduce a private bill under the circumstances I have set forth in this, as well as my letter of January 19.

With kindest regards, I am,
Sincerely,

P. ALLEN RICKLES.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1496) should be enacted.

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Calendar No. 923

84TH CONGRESS, 1st Session | SENATE | REPORT No. 916

HAROLD GEORGE JACKSON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1503]

The Committee on the Judiciary, to which was referred the bill (S. 1503) for the relief of Harold George Jackson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of Harold George Jackson.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native and citizen of Canada presently residing in Calgary, Alberta, with his Canadian citizen wife and infant daughter. Two children of a former marriage reside in Canada with his divorced wife. He contributes $250 per month to their support. The beneficiary is employed with Tractor Training Service, Inc., in western Canada and has been promoted to position of sales manager for the entire eastern United States. He has been unable to enter the United States because of a conviction involving embezzlement of $1,579.13 from a former employer. The beneficiary pleaded guilty and was convicted and sentenced to 18 months on May 12, 1951. He served 5 months and made restitution of the full amount embezzled. The money was taken during a period when his wife was stricken with polio and he was having domestic troubles ending in divorce. Without the waiver provided for in the

bill, he will be unable to enter the United States to assume the duties of his new position.

A letter, with attached memorandum, dated May 13, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request to the Department of Justice for a report relative to the bill (S. 1503) for the relief of Harold George Jackson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would provide for the beneficiary's admission to the United States for permanent residence, if found otherwise admissible, by exempting him from the provisions of section 212 (a) (9) of the Immigration and Nationality Act which excludes from the United States those aliens who have been convicted of or admit the commission of a crime involving moral turpitude.

The bill specifically limits the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Attorney General has knowledge prior to the date of the enactment of the bill.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAROLD GEORGE JACKSON, BENEFICIARY OF S. 1503

The beneficiary, Harold George Jackson, a Canadian subject, was born in Edmonton, Alberta, Canada, on March 1, 1921. He resides with his Canadian citizen wife and infant daughter at 6A No. 2 Parkdale Crescent in Calgary, Alberta. He also has two minor Canadian citizen children from a former marriage. These children and his former wife reside in Edmonton, and he contributes $250 per month for their maintenance. Beneficiary is district manager in western Canada of Tractor Training Service by which company he has been employed since November 1951. His monthly income is approximately $1,400. He has been promoted to the position of sales manager with Tractor Training Service, Inc., for the entire Eastern United States. He would be employed out of the Chicago, Ill. office of that company on a commission basis and would earn approximately $1,000 per month to start, which amount the company expects would increase considerably based on his past performance. Beneficiary owns a 1954 Hudson automobile and possesses personal furnishings and belongings in the approximate value of $6,000. He studied cost accounting and business administration in high school. His father and a sister reside in Canada. He has no relatives in the United States.

Beneficiary was employed by McDermid Studios, Ltd., Edmonton, Alberta, as office manager from 1941 to 1951. On May 8, 1951, in the district court judges criminal court in Edmonton he was charged with 3 counts of theft as follows: first, that between January 1 and March 10, 1951, he stole the sum of about $318; second, that at Edmonton on or about January 2, 1951, he stole the sum of $78.50; and third, that at Edmonton between June 10 and September 1, 1950, he stole the sum of $1,182.63, all the property of McDermid Studios, Ltd., all contrary to the provisions of the Criminal Code of Canada. On May 12, 1951, upon his plea of guilty beneficiary was convicted and sentenced on each count to 6 months' imprisonment at hard labor in the provincial jail at Fort Saskatchewan, in the Province of Alberta, sentence to run concurrently. He commenced serving his sentence on May 12, 1951, and was discharged shortly before the end of October 1951. Beneficiary stated that before conviction he had voluntarily made restitution to McDermid Studios in the sum of $1,579.13, and that he has no other criminal record of any kind.

Mr. J. E. Badley, president of Tractor Training Service, Portland, Oreg., owns 80 percent of the stock of that company and also of Tractor Training Service, Inc.,

Chicago, Ill.; Tractor Training Service, Ltd., Toronto, Ontario; and Tractor Training Service, Sydney, Australia. He is chairman of the board and treasurer of the above companies located outside of Portland, Oreg. His brother, T. W. Badley, owns the remaining 20 percent of the stock and is in charge of Tractor Training Service, Inc., in Chicago out of which office the beneficiary would be employed. Mr. J. E. Badley informed that the 4 offices of Tractor Training Service have between 150 and 175 employees and that the position of sales manager with that company in Chicago is being held open for beneficiary, and that the hiring of 15 additional salesmen for the Chicago office is being held in abeyance pending beneficiary's arrival there. Mr. Badley states that he has been unable to find anyone among his employees who possesses beneficiary's managerial capacity.

Beneficiary has not served in the armed forces of any country. He made 2 business trips to the United States in March 1955 and approximately 12 in 1954.

PORTLAND 4, OREG., *February 28, 1955.*

Hon. WAYNE MORSE,
Senate Office Building, Washington, D. C.

DEAR SENATOR MORSE: I am in receipt of your letter of February 22 and wish to thank you for your kind offer of assistance. It will be greatly appreciated if you will introduce a private bill waiving the legal disqualifications of our applicant in obtaining a permanent residence visa.

First, I should clear up what appears to be some misunderstanding of my letter of February 15. Mr. Badley is not endeavoring to secure a permanent residence visa for himself, as he is already a native-born citizen—but for one of the executives of his firm who has been representing the company in Canada very successfully and satisfactorily, and whom Mr. Badley now wishes to transfer to a higher and better position with the company in the United States.

The man for whom Mr. Badley wishes to secure the visa is Mr. Harold George Jackson, of Edmonton, Alberta, Canada. Mr. Jackson was born in Edmonton on March 1, 1921. He had his elementary and secondary education in the public schools of Edmonton. He has been employed by the T. Eton Co. of Edmonton, 1937–39; the Diamond Rubber Co., 1939–41, and McDermid Studios, Ltd., 1941–51. He has been with Mr. Badley's Chicago company, Tractor Training Service, Inc., since December of 1951.

It was while he was employed with McDermid Studios that the financial difficulty arose resulting in his conviction on an embezzlement charge. Prior to his conviction, he had made full restitution of the amount involved. He has had no police or criminal record before or since.

At the time he was employed by Tractor Training Service, he disclosed the foregoing facts, and an investigation was made of the extenuating circumstances. He was employed, and I am enclosing herewith a copy of a letter prepared by Mr. T. W. Badley (brother of J. E. Badley and president of Mr. Badley's Chicago branch), which gives a summary of their experience with Mr. Jackson.

One of the extenuating circumstances which has a bearing on Mr. Jackson's present situation should be mentioned. Prior to Mr. Jackson's financial difficulty with McDermid Studios, he had experienced some domestic difficulty, as a result of which his wife had left him, with their two children, and threatened the institution of a divorce suit. Prior to the filing of her divorce suit, however, she was stricken with polio, and after confinement in a hospital for approximately 1 year, she was finally discharged, but is still a wheelchair patient. She nevertheless proceeded with her divorce case, securing a decree and custody of the two boys. It was during this domestic difficulty and her illness and at a time when Mr. Jackson had the care and responsibility of his two youngsters, in addition to his other troubles, that his difficulty with his employer arose, resulting in prosecution.

In the divorce proceedings, Mr. Jackson made a support agreement, and is paying to his wife and children the sum of $3,200 per year. Advancement with Tractor Training Service, Inc., would enable him to make further provision for his family, as well as for himself. He has recently remarried.

Mr. Jackson suggests the following personal references:

A. Loweden, 7608 88th Avenue, Edmonton, Alberta, Canada;
A. M. Shave, 12032 103d Street, Edmonton, Alberta, Canada;
Ron Smith, Dinnen Agencies, Northern Hardware Building, Edmonton, Alberta, Canada.

If I can be of any further assistance by supplying additional information, or if a personal appearance before your committee in behalf of Mr. Jackson would be of assistance, we will be glad to make the necessary arrangements.

With best regards, I am,

Sincerely yours,

McDANNELL BROWN,
Attorney at Law.

PORTLAND, OREG., *February 15, 1955.*

Hon. WAYNE L. MORSE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Our mutual friend and my client, J. E. Badley of Tractor Training Service, has another problem concerning which we need some advice and perhaps some official assistance.

Some years ago Mr. Badley's firm employed a man as their representative in western Canada. At the time of his employment, he disclosed to them that he had recently been convicted of embezzlement. Further investigation also disclosed that he made full restitution and that there were some significant and extenuating circumstances. This man's services have been highly satisfactory, and he is now serving as a district manager for all of western Canada.

The firm is now very anxious to bring this man to the United States to have him serve as district manager in their eastern operation. He cannot enter, of course, without getting a permanent residence visa, nor can he apply for citizenship in this country without entering legally on a permanent residence visa. I am advised by Mr. Norene of the Immigration Service here that because of his conviction, he would be excludable and therefore ineligible to a permanent residence visa unless he were admitted pursuant to the provisions of a private act of Congress.

The matter of obtaining this man's admission to the United States is one of vital importance to Mr. Badley's company, and it would be greatly appreciated if you could let me know whether or not there is any other way of obtaining his admission to the United States except by a private bill, and if not, whether you would be in a position to be of assistance to us in endeavoring to secure the passage of such a bill.

Very sincerely yours,

McDANNELL BROWN,
Attorney at Law.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1503) should be enacted.

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Calendar No. 924

84TH CONGRESS
1st Session

SENATE

REPORT
No. 917

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YEE LOY FOO, ALSO KNOWN AS LOY FOO YEE, OR TED YEE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1504]

The Committee on the Judiciary, to which was referred the bill (S. 1504) for the relief of Yee Loy Foo, also known as Loy Foo Yee, or Ted Yee, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Yee Loy Foo, also known as Loy Foo Yee, or Ted Yee. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a British subject of the Chinese race. He is 23 years old, single, and lives with his father in Portland, Oreg. The beneficiary arrived in the United States on January 5, 1950, at San Francisco, Calif., when he was admitted as a citizen of the United States upon testimony of his father who claimed to be a native-born citizen of the United States. Subsequently it developed that the father had testified falsely and was, in fact, a native and citizen of China. The beneficiary served in the United States Army from January 7, 1953, to December 2, 1954, but he appears ineligible for naturalization because his entry into the United States is not considered as lawful for naturalization purposes.

A letter, with attached memorandum, dated May 23, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

YEE LOY FOO, ALSO KNOWN AS LOY FOO YEE, OR TED YEE

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., May 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request to the Department of Justice for a report relative to the bill (S. 1504) for the relief of Yee Loy Foo, also known as Loy Foo Yee, or Ted Yee, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE YEE LOY FOO, ALSO KNOWN AS LOY FOO YEE, OR TED YEE, BENIFICIARY OF S. 1504

The beneficiary is a British subject of the Chinese race, born in Kowloon, Hong Kong, China, on September 24, 1931. He is single and lives with his father, Yee Nam Gim, at 209 Northwest Fourth Avenue, Portland, Oreg. He is presently unemployed but is a restaurant worker by occupation. His total assets amount to $2,100.

The beneficiary's educational bankground consists of attendance at school in China for 9 years and at high school in Portland, Oreg., for 2 years. His mother and two half brothers live in China and another half brother lives in Portland, Oreg. His last residence abroad was in Kowloon, Hong Kong.

The beneficiary arrived in the United States on January 5, 1950, at San Francisco, Calif., and was admitted as a citizen of the United States upon the testimony of his father, who claimed to be a native-born citizen of the United States. However, subsequently it developed that the father had testified falsely and was, in fact, a native and citizen of China. Warrants of arrest were issued on June 5, 1952, against the beneficiary, his father, and his half brother, Yee Loy Sing, on the charges that at the time of their entries to the United States they were not in possession of valid immigrant visas and that entries were effected by means of false and misleading statements. At the subsequent deportation hearing, the beneficiary, his father, and half brother were ordered deported from the United States on the charge that they were not in possession of immigrant visas at the time of their entries. On March 18, 1953, the Board of Immigration Appeals ordered that the deportation of the beneficiary's father and his half brother be suspended and that beneficiary be permitted to depart voluntarily from the United States.

The beneficiary served honorably in the United States Army from January 7, 1953, to December 2, 1954. He has filed an application for naturalization, but he appears ineligible because of the fact that his entry to the United States is not considered a lawful entry for naturalization purposes.

Senator Wayne Morse, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

PORTLAND, OREG., *January 20, 1955.*

Senator WAYNE L. MORSE,
Senate Office Building, Washington 25, D. C.

DEAR SENATOR MORSE: You will find enclosed herewith a letter from Miss Mary C. Harding (a teacher at Cleveland High School in Portland) and a brief regarding the introduction of a private bill in the House and Senate for the relief of Yee Loy Foo, also known as Loy Foo Yee, or Ted Yee, who is applying to be declared a legal resident of the United States so that he may be eligible for naturalization.

I have known Ted Yee, the applicant, primarily through contact with Miss Harding who is interested in racial minorities in the State of Oregon. Ted Yee

originally came to the United States believing that he was entitled to lawful admission as the son of a citizen. It develops that there may be some question on this point, but in the meantime Ted was drafted into the military service of the United States and has just finished his required 2-year term. He has excellent recommendations from his commanding officers and from all who have known him. He is a person of excellent moral character and one who would make an excellent citizen of the United States.

Would you be willing to introduce a private bill in the Senate on this matter? Anything which you can do on behalf of this lad will be appreciated by me.

I am asking Congresswoman Edith Green to take care of the House end of this same bill, and would appreciate your getting in touch with her with reference to this matter, if you see fit.

Very cordially yours,

G. BERNHARD FEDDE.

[Copy of previous letter]

MILWAUKIE, OREG., *January 8, 1955.*

Senator WAYNE MORSE,
417 Senate Office Building, Washington, D. C.:

In your recent letter to Oregonians you mentioned having helped several persons to obtain their citizenship. This was gratifying to me in that it gave me hope for a young Chinese man whom I consider to be worthy of such help.

In the fall of 1951 I began teaching a Portland high school class of students who had just arrived from various countries and were eager to learn to use the English language. Among them was a frail-looking lad with a serious, wistful expression who had been in the class part of the previous year. Most of the Chinese boys assumed American names; and this one was Ted Yee, but in the Chinese manner, Yee Loy Foo.

Ted was in my class for a year and a half and a summer session, and lived in my home for a few months. While serving in the Armed Forces during the past 2 years, he corresponded with me regularly and frequently. Throughout the time that we have known him, my family and I have found him holding to very high standards. His personal habits are clean, and he refrains from associating with people who drink or gamble. While in school, he won two scholastic art awards. His former art teacher in Cleveland High School says that he is one of the best students she has ever had because of his ideals and the spiritual qualities which find expression in his paintings. During the months with the Army in Japan he spent much of his time in the hobby center and in trying to advance his education. He is a stanch supporter of American ideals, and I feel would make a loyal citizen. Before his immigration trouble developed, and therefore without any ulterior motive, I heard him express his love and admiration for this country. Ted loves his mother very much, and while in our home he worried about her a great deal because she wrote of certain Communist-incited incidents which frightened her. I suggested that Ted ask his father to bring her from Kowloon to this country. It was when the Immigration and Naturalization Service began investigating Mr. Yee's application to bring his wife to the United States that Ted, the father, and brother were arrested for illegal entry.

Ted and his mother suffered from great deprivation during the Japanese occupation of China; and I see no need for deporting him to a place of continued hunger and lack of opportunity.

I am therefore asking if you will introduce a bill in Congress seeking to have Loy Foo Yee made a legal resident of the United States of America in order that he may apply for naturalization.

I am enclosing similar letters for Mr. Fedde to send to Senator Richard Neuberger and to Congresswoman Edith Green asking that they support you in such action.

I shall deeply appreciate your efforts to help this one who has served the country of his choice to the best of his ability.

Sincerely yours,

MARY C. HARDING,
Miss Mary C. Harding.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1504) should be enacted.

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Calendar No. 925

84TH CONGRESS, 1st Session | SENATE | REPORT No. 918

ELIDORA YANGUAS PEREZ

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1563]

The Committee on the Judiciary, to which was referred the bill (S. 1563) for the relief of Elidora Yanguas Perez, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Elidora Yanguas Perez. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native and citizen of Spain who entered the United States on December 15, 1949, as an employee of a United Nations delegate from Argentina. She remained in his employ until he returned to Argentina in February 1954. Her only near relatives are a brother residing in California and a sister residing in Spain. She is a highly skilled seamstress and is presently employed in Boston.

A letter, with attached memorandum, dated May 12, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 12, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S.1563) for the relief of Elidora Yanguas Perez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service which has custody of these files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

As a quota immigrant, the beneficiary would be chargeable to the quota of Spain.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIDORA YANGUAS PEREZ, BENEFICIARY OF S. 1563

Elidora Yanguas Perez, who is a native and citizen of Spain, was born November 29, 1916 in Pamplona. She has never been married, is unemployed, and resides at 8 Kensington Road, Arlington, Mass., with a friend, Mrs. Jean Evans de Alonso. This friend has known the beneficiary for many years and is supporting her.

The beneficiary completed 8 years of grammar school in Spain. After her entry into the United States in December 1949, she was employed until February 1954 as a maid at a salary of $900 a year. The alien's only near relatives are a brother living in San Francisco, Calif., a brother living in France, and a sister living in Pamplona, Spain. Miss Perez lived in Pamplona, Spain from birth until December 1949, and for a period of 5 years prior to coming to the United States worked as a tailor for her father. Her assets are $500 in the East Cambridge Savings Bank, Cambridge, Mass., and her personal belongings.

The beneficiary's only entry into the United States was at New York, N. Y., on December 15, 1949, at which time she was admitted to the United States as a maid to enter the employ of Mr. Teobalde Verbrugghe, an Argentine delegate to the United Nations. She remained in his employ until Mr. Verbrugghe returned to Argentina in February 1954. The last extension of stay granted her expired on September 1, 1954, and thereafter she became illegally resident in the United States. Deportation proceedings were instituted on March 22, 1955, on the ground that after admission as a servant of a representative of a foreign government in or to an international organization, she failed to comply with the conditions of such status. A hearing under a warrant of arrest was accorded her on April 11, 1955, during which the above ground for deportation was sustained, and an order entered that she be granted voluntary departure and in the event she failed to depart that she be deported from which she took no appeal.

There appears to be no administrative relief. Her friend, Mrs. Jean Evans de Alonso, is the person primarily interested in the bill.

A previous private bill, S. 3639, which was introduced in the 83d Congress in behalf of the subject failed of enactment.

Senator John F. Kennedy, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

SCHNEIDER, REILLY, RUDMAN & MCARDLE,
Boston, Mass., May 20, 1955.

Hon. JOHN F. KENNEDY,
United States Senate, Washington, D. C.

MY DEAR SENATOR KENNEDY: I am taking the liberty at this time of summarizing the case of Miss Elidora Yanguas Perez in whose behalf you have filed Senate bill S. 1563 for her admission to the United States for permanent residence:

Personal history: Miss Perez is unmarried. She is a Spanish Basque, born in Pamplona, Navarra Spain, November 1916. She lived in Spain until 1949.

During this time she passed through the traumatic experiences of the civil war in that country, during which time she lost her fiance. Her parents are no longer living. A sister still remains in Spain, and a brother is in France. She is close to neither of these two. A second brother, Gabriel Yanguas Perez, is now living in San Francisco. He has been admitted to the United States for permanent residence. She has very close personal ties with the brother now in this country and hopes to pick up the threads of some family relationship if she is permitted to remain in this country. She has never been a member of the Communist Party nor of any other subversive organization. She has no criminal record of any kind.

Legal status: On December 15, 1949, Miss Perez was admitted to the United States as a nonimmigrant, registration No. V.644217. Her passport at that time was a Spanish passport No. 1369/49 issued November 23, 1949. The purpose of her admission was to serve as a maid to the family of Mr. and Mrs. Teobaldo Verbrugghe, Argentinian representatives to the United Nations. On February 20, 1954, when her employers returned to Argentina, Miss Perez was employed for a short while by Mrs. Olga Arenales, also of the United Nations staff, and upon termination of that employment was no longer in status in accordance with her visa. As a result, in March of 1955, she was arrested under warrant No. A-10-015-366, and on March 11, 1955, a deportation hearing was held in the offices of the Immigration Department, 73 Tremont Street, Boston, Mass., and she was notified on May 2, 1955, that a final order had been entered for her deportation and that she was granted the privilege of voluntary departure. It is our understanding that the date set for departure is held up pending the disposition of private bill S. 1563 referred to above.

Additional remarks: Miss Perez is a highly skilled seamstress in the European tradition and is currently employed by Peck & Peck, a prominent women's clothing store in Boston. If she is admitted to permanent residence not only is there every assurance that she will not become a public charge but, on the contrary, will contribute to the general welfare by her industry and skill.

Miss Perez is prepared to come to Washington to testify to the above facts if that should be desirable or will provide an affidavit if that should prove helpful.

The following people are also prepared to come to Washington to testify, or to submit affidavits, that Miss Perez' character is very high and she is the type of person this country should welcome with open arms: Mrs. Anne Priest, 4 Bond Street, Cambridge, Mass.; Mr. Christopher Wadsworth, 80 Main Street, Concord, Mass.; Mrs. Stepher W. DeBlois, 41 Kensington Road, Arlington, Mass.; Mr. and Mrs. Ned Hoffman, 8 Kensington Road, Arlington, Mass.; Mrs. Joan Evans de Alonso, 8 Kensington Road, Arlington, Mass.

Thank you for your kind interest and able assistance in this very worthy project.

Very truly yours,

HAROLD KATZ.

ELIDORA YANGUAS PEREZ

Born: Pamplona, Navarra, Spain, November 1916.

Spanish passport: No. 1369/49, issued November 23, 1949. Admitted December 15, 1949, New York, Steamship *Habana*.

Present passport: No. 950/33 issued by the Consulado de España, New York, No. de regristro 164036, inscription No. 6059.

Nonimmigrant registration: No. V. 644217. Employed as maid of United Nations officer, Mr. and Mrs. Teobaldo Verbrugghe.

Miss Elidora Yanguas Perez is a Spanish Basque from Pamplona and she is a distant relative, by marriage, of my late husband, Amado Alonso, Smith professor of romance languages, Harvard University. In 1949 she came, upon his recommendation, as maid-servant and companion to some old Argentinian friends of ours, Mr. and Mrs. Teobaldo Verbrugghe, then employed by the U. N. When they left to reside permanently in Argentina, Miss Yanguas was employed by Mrs. Olga Arenales, also of the U. N.

During the time of her employment with the Verbrugghes she often visited us with them and with their little daughter, and whenever they were on special mission or leave of absence she spent her time with us. In 1952, when the Verbrugghes were in France, she was here and helped me nurse my husband through his long and fatal illness. I, and my sons are all deeply indebted to her for her invaluable help and great kindness during that difficult time.

In Spain, she kept house and helped her brothers and sister, whom she had brought up from an early age, with their own tailoring business. She is an expert

tailoress. Since she left Spain her family has dispersed, her elder brother is living in France and her younger brother came as a Basque shepherd to California. Only her younger sister is now living in Spain.

When it was definitely known that Mr. and Mrs. Verbrugghe were leaving to take up permanent residence in Buenos Aires, Miss Yanguas consulted Mr. Mulholland of the National Catholic Welfare Society, of New York, to find out if she could obtain any type of visa which would allow her to work and remain in this country if not employed by a U. N. servant. In 1952 she had filed at the United States consulate in Montreal for permanent residence quota, but was told that there was a long waiting list that would entail years of waiting. Mr. Mulholland told Miss Yanguas that this could only be done by special legislation, and I presented her case to Senator Kennedy, who, on June 22, 1954, presented bill S. 3639 for the relief of Elidora Yanguas Perez.

Since then the immigration authorities of Boston have kept fairly close contact with her and during this time she has been living with me. On January 23, 1955, the Immigration authorities of Boston asked her to come in. On this occasion I accompanied her; she was fingerprinted and we were told that this was for the new bill to be presented to the 84th Congress which would replace bill S. 3639 and as yet the number of the new bill was unknown. On March 4, they again asked her to come to see them and then told her that a new bill had not been presented and that she must do something about it quickly or that she would have to leave the country and then refingerprinted her immediately and are holding her passport. When she told them about her previous visit they immediately verified it. I contacted Miss Burke of Senator Kennedy's office in Boston and upon suggestion of the Senator's Washington office am submitting the facts involved in her case.

JOAN EVANS DE ALONSO.

The following additional information was received by Senator Leverett Saltonstall who introduced the bill for Senator Kennedy:

CAMBRIDGE, MASS., *March 28, 1955.*

Hon. LEVERETT SALTONSTALL,
Washington, D. C.

DEAR COUSIN LEVERETT: In the last session of Congress Senator Kennedy introduced a bill, which I gather came too late for passage, for the admission of Eliodora Yanguas Perez to citizenship. Senator Kennedy has prepared a second bill, but since he is ill, he cannot introduce it himself.

I am writing to ask you please to do all you can to facilitate the introduction and passage of this bill, and if you feel you can, to cosponsor it. I wouldn't bother you with this except that if this bill isn't passed, Miss Yanguas Perez will be deported to Spain. There is nothing left for here there and she has started a new life in this country.

I know Miss Yanguas Perez well. She is a fine person and will make a fine American citizen. There is nothing in her background that would cause you to regret any action that you would take on her part.

Best wishes,

ANNE PARSONS PRIEST,
Mrs. Harold A. Priest, Jr.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1563) should be enacted.

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Calendar No. 926

84TH CONGRESS, 1st Session | SENATE | REPORT No. 919

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MISS YOUNG HI YUN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1612]

The Committee on the Judiciary, to which was referred the bill (S. 1612) for the relief of Miss Young Hi Yun, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Young Hi Yun. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Korea who last entered the United States at Anchorage, Alaska, on March 16, 1949, as a student. She has attended Goshen College, Goshen, Ind.; Adelphi College, Garden City, N. Y.; Mary Baldwin College, Staunton, Va.; and Concord College, Athens, W. Va. She is presently pursuing a course at Duke University in medical record library science. There is a great shortage of trained medical record librarians in the United States and their technical services are essential to medical institutions and the need for such librarians is acute. The beneficiary's parents are deceased.

A letter, with attached memorandum, dated December 15, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3733 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

DECEMBER 15, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3733) for the relief of Miss Young Hi Yun, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Norfolk, Va., office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee and head tax. It also directs that one number be deducted from the appropriate immigration quota. It may be noted that the Immigration and Nationality Act does not require the payment of a head tax.

As a quota immigrant, the beneficiary would be chargeable to the quota of Korea.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING YOUNG HI YUN, BENEFICIARY OF S. 3733

Young Hi Yun, a Korean citizen, was born in Seoul, Korea, on March 5, 1926 Her last residence abroad was Seoul, Korea. She entered the United States at Anchorage, Alaska, on March 16, 1949, where she was admitted as a student for the purpose of attending Goshen College, Goshen, Ind. This is her only entry into the United States. She received extensions of stay, the last of which expires on February 18, 1955. Miss Yun attended Goshen College from September 1949 to June 1950; Adelphi College, Garden City, Long Island, N. Y., from September 1950 to June 1951; Mary Baldwin College, Staunton, Va., from September 1952 to March 1953; and Concord College, Athens, W. Va., from September 1953 to June 1954. She was employed by the Library of Congress, Washington, D. C. for a period of 1 month in the summer of 1950 at a salary of $270 per month She was also employed by the King Typographic Co., Oriental Section, Times Square, New York, N. Y., for about 6 months in 1951–52 at a salary of $140 per month and was employed by the American Council of Learned Society, Washington, D. C., for the purpose of translating English grammar books into Korean for 5 months in 1953 at a salary of $350 per month. She receives $100 per month from her family in Seoul, Korea. Dr. Jack Witten, of the Jack Witten Foundation, North Tazewell, Va., sponsor of beneficiary, also contributes to her support and welfare while she is in the United States.

The beneficiary had been married to Kong Bok Lee who subsequently divorced her in the United States. Mr. Lee is a teacher in the Army Language Center, Monterey, Calif. The beneficiary has 2 brothers and 1 nephew, Tai Sung Chung, in the United States. Tai Sung Chung is also the beneficiary of a private bill sponsored by Dr. Jack Witten of North Tazewell, Va. She has two brothers residing in Seoul, Korea. Miss Yun has had 13 years of formal education prior to coming to the United States.

Dr. Jack Witten, of the Jack Witten Foundation, Tazewell, Va., who sponsors the beneficiary, has devoted his life to educating homeless boys and girls. It was brought to his attention that the beneficiary was a person who required assistance in order to continue her education. He thereupon took it upon himself to offer his services as sponsor. Dr. Witten's work in the foundation bearing his name was featured in an article of recent issue of Reader's Digest, a nationally known magazine.

Senator Harry Flood Byrd, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

DUKE UNIVERSITY, DUKE HOSPITAL,
Durham, N. C., June 17, 1955.

Re Young Hi Yun, private bill S. 1612

Senator HARRY F. BYRD,
Senate Building, Washington, D. C.

HONORABLE SIR: Miss Young Hi Yun registered at Duke September 23, 1954, as a full-time student in our course for medical record librarians. She is scheduled to complete this work around October 15, 1955.

She has shown herself to be an exceptionally good student and ranks high among her classmates. She has done this in spite of a language handicap. Those who supervise her work are confident that she will be an asset to this field of work.

There is a great paucity of trained medical record librarians in this country. High standards of medical care in hospitals cannot be maintained in the absence of a properly functioning medical records library.

Hospitals, both large and small, are constantly seeking persons trained in this field. The number being graduated each year is very small and it appears that it will be many years before an adequate number of these people will be available.

In the light of the above I wholeheartedly endorse private bill S. 1612 and sincerely feel that others in the field of hospital administration would want this legislation to be enacted.

Sincerely yours,

J. MINETREE PYNE,
Assistant Superintendent.

CONCORD COLLEGE,
Athens, W. Va., June 18, 1955.

Hon. HARRY F. BYRD,
Senator of the United States,
Senate Building, Washington, D. C.

DEAR SENATOR BYRD: I am writing on behalf of a young Korean woman, Young Hi Yun, who is applying for citizenship under private bill S. 1612. As Young Hi was a student here during the year 1953–54, I came to know her well—her problems, her sorrows and her hopes. I found that she had her full share of each. The death of her father and then of her mother during her early teens shattered her world, and the war and many other family and personal problems have been an obstacle in building it back together. I can truly testify that during the past 2 years that I have known her, she has centered her hopes for the future in becoming a citizen of the United States. I know that she has spent hours and hours of time and effort in her attempt to accomplish this aim.

The attitudes and behavior which I observed in her speak well for her potential as a citizen. She was hard working and intelligent in her approach to her academic work as well as her other responsibilities. She was courteous, thoughtful, and considerate in her dealings with others and always did more than her share. She was scrupulously neat and clean in her housekeeping. To me, she seems a serious-minded young woman of culture and industry who has a great need to settle, to earn—to belong.

I have no hesitancy in giving her my wholehearted recommendation. Further, I would be glad to do whatever else I am able to do to help her cause.

Sincerely,

DAMARIS WILSON, *Dean of Women.*

DUKE HOSPITAL, *Durham, N. C.*

Senator HARRY F. BYRD,
Senate Building, Washington, D. C.

DEAR SENATOR BYRD: I am writing on behalf of Miss Young Hi Yun whom I have had as a student in physiology. Miss Yun is currently enrolled in the medical record librarian course offered by the Duke School of Medicine. Miss Yun has made a fine record and is hard working, extremely conscientious, and of a high order of intellectual ability.

The work for which she is now training is a vital one to medicine since efficient and meaningful records of hospital care and treatment constitute one of the best means of evaluation of treatment which we have. There is a shortage of persons trained in this specialty in the country and the current number of people training in this field is far to low to satisfy demand and actual need.

In addition Miss Yun has lost her parents during the Communist activities in Korea and has no home or possessions in Korea to which to return. She is most anxious to stay in this country and serve in the capacity for which she is being trained. Her immediate supervisors have strongly praised her work, interest, and ability and I know that as a foreign student, with language barriers in a technical course, that she consistently was in the top 5 students in a class of 101 selected students in nursing and record library science.

May I strongly urge you to support whatever measures are necessary for her to remain in this country, especially support of private bill S. 1612 introduced March 30, 1955.

Thank you for your kind attention.

Very truly yours,

EDWARD G. STUART, Ph. D.,
Instructor in Physiology.

MAY 27, 1955.

Senator HARRY F. BYRD,
Senate Building, Washington, D. C.

DEAR SENATOR BYRD: I thank you again for your kind introduction of private bill (S. 1612) for the relief of Miss Young Hi Yun.

I would like to offer you further personal background of Miss Yun in order to expedite the passing this bill as soon as possible.

She is anxious to stay in this country because her parents passed away, and all properties, including house, were lost and destroyed during the war in Korea. This means that Miss Yun has no home to go back to in Korea. She is now taking a special training course on medical record library science which this Nation needs very badly. As you probably know, this is a new field of medical science which takes a vital role in aiding, not only patients, but also the doctors and their research work. She has proved that she is an honest, sincere, and most industrious person, and I am sure that she will make a good citizen for this country in the future.

I should be most grateful if you give her special consideration at this time.

With very best wishes, I am,

Sincerely yours,

JACK N. WITTEN, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1612) should be enacted.

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Calendar No. 927

84TH CONGRESS, 1st Session | SENATE | REPORT No. 920

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CECILE DORIAC AND HER MINOR CHILD

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1681]

The Committee on the Judiciary, to which was referred the bill (S. 1681) for the relief of Cecile Doriac and her minor child, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen former member of our Armed Forces and her minor child to enter the United States for the purpose of marrying her citizen fiance and to thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are a 24-year-old native and citizen of France and her infant daughter who have never been in the United States. The mother has never been married but her fiance is the father of the child. He served in the United States Army from February 1, 1952, to February 1, 1955, most of which time was spent in France. He presently resides in Grandview, Wash., and is employed in Sunnyside, Wash.

A letter, with attached memorandum, dated June 22, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 22, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1681) for the relief of Cecile Doriac and her minor child, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Seattle, Wash. office of this Service, which has custody of those files.

The bill is intended to authorize the admission of the beneficiaries into the United States for a period of 3 months as temporary visitors provided the adult beneficiary is coming to the United States with the intention of marrying Dean E. Ballard and provided the beneficiaries are found to be otherwise admissible. The bill further provides that if the marriage occurs within 3 months following the entry of the adult beneficiary into the United States, the beneficiaries shall be granted permanent residence in the United States as of the date of the payment of the required visa fees, with the proviso that if the marriage does not occur within 3 months, the beneficiaries shall be required to depart from the United States.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING CECILE DORIAC AND HER MINOR CHILD, BENEFICIARIES OF S. 1681

Information concerning the beneficiaries was obtained from the sponsor, Dean E. Ballard.

The adult beneficiary's full name is Cecile Marie Doriac. She is a citizen of France, born March 29, 1931 at Libourne, Gironde, France. She has never been married but is the mother of Betty Jean Doriac, the minor beneficiary, who was born February 17, 1955 at Bordeaux, France. The sponsor, Dean E. Ballard, is the father of Betty Jean and the fiance of the adult beneficiary. The beneficiaries are living at Gradginan, Bordeaux, Gironde, France. The adult beneficiary is a waitress by occupation presently unemployed, and has an elementary school education. She has no assets or income but receives $50 per month from the sponsor. The whereabouts of her father Pierre Fernande Doriac, is unknown. Her mother, Jeanne Dugat, is dead. The beneficiaries have never been in the United States.

The sponsor, Dean Everett Ballard, is a native-born citizen of the United States, living at Grandview, Wash. He is employed as a cook at Hill's Steak House, Sunnyside, Wash., at a salary of $155 per month plus board. He has a savings account of $700. Mr. Ballard served honorably in the United States Army from February 1, 1952 to February 1, 1955. His mother, Fern Hill, and his stepfather, Arthur L. Hill, are in business in Sunnyside, Wash., and have assets amounting to $50,000.

Senator Henry M. Jackson, the author of the bill, has submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
April 19, 1955.

Hon. HARLEY KILGORE,
Chairman Immigration Subcommittee, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: I am writing on behalf of private immigration legislation for the relief of Cecile Doriac and her minor child, for whom I have introduced S. 1681.

She is the fiance of Mr. Dean E. Ballard, of route 2, box 53, Grandview, Wash. Mr. Ballard served 2½ years of his 3 years in the United States Army in France where he met Miss Doriac.

Before he could complete his wedding plans with her, he was shipped back to this country and discharged from the Army.

Mr. Ballard's child was born in January of this year and he is naturally anxious to marry Miss Doriac as soon as possible. However, the French quota is such that she would not be able to enter this country for perhaps several years.

In view of the circumstances in this case, I would appreciate anything you could do to expedite consideration of the bill.

Should further information be required, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1681) should be enacted.

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Calendar No. 928

84TH CONGRESS, 1st Session } SENATE { REPORT No. 921

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CHEUK WA LEUNG AND HIS WIFE, CAMILLA YING LING LEUNG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1716]

The Committee on the Judiciary, to which was referred the bill (S. 1716) for the relief of Cheuk Wa Leung and his wife, Camilla Ying Leung, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Cheuk Wa Leung and his wife, Camilla Ying Leung. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 41-year-old husband and his 37-year-old wife. He is a native and citizen of China and she is a native of Hong Kong and citizen of China by marriage. Both of them resided in Hong Kong prior to entering the United States, which entry was made at Honolulu on January 21, 1953 when they were admitted as visitors. He has a master of science degree in engineering from the University of Michigan and is presently employed by the General Electric Co. The beneficiaries are expecting the birth of a child soon.

A letter, with attached memorandum, dated June 23, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1716) for the relief of Cheuk Wa Leung and his wife, Camilla Ying Ling Leung, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for the Chinese.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHEUK WA LEUNG AND CAMILLA YING LING LEUNG, BENEFICIARIES OF S. 1716

The beneficiary, Cheuk Wa Leung, a native and citizen of China, was born on April 12, 1914. His wife, Camilla Ying Ling Leung, a native of Hong Kong and a citizen of China by marriage, was born on December 5, 1917. Mr. Leung was previously in the United States from 1934 to 1937 as a student. Both beneficiaries last entered the United States at Honolulu, T. H., on January 21, 1953 at which time they were admitted as visitors for 6 months. They have received extensions of stay, the last of which expired on April 18, 1955.

Both beneficiaries resided in Hong Kong, British Crown Colony, prior to their entry to the United States. Mr. Leung has a master of science degree in electrical engineering from the University of Michigan. He also studied at the Marconi School of Wireless Communication in London, England. He is presently employed by the General Electric Co., Clyde, N. Y., as an electronics engineer at an annual salary of $6,160. Mrs. Leung, presently a housewife, attended Lingnan University in Canton, China and the Pratt School of Business in New York, N. Y.

The beneficiaries reside at 59½ Phelps Street, Lyons, N. Y. They have no children, however, Mrs. Leung is expecting a child in October, 1955. Their assets include a 1954 Plymouth automobile valued at $2,000; household furnishings valued at $2,500 and cash savings of about $2,000. They each have one sister residing in the United States. The fathers of both beneficiaries are deceased; their mothers reside in Hong Kong.

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

APRIL 12, 1955.

To Whom It May Concern:

1. I am a national of the Republic of China and the holder of Passport No. GU18454, issued by the Ministry of Foreign Affairs of the Republic of China, dated June 21, 1952 and valided by the second extension until December 20, 1956. I was born on April 12, 1914 in Canton, China which is now occupied by the Communists.

My wife, Camilla Ying Ling Leung, who is with me, is also a national of the Republic of China by marriage. She holds Passport No. GU18453 which was issued by the Ministry of Foreign Affairs at the same time that I received mine and which is also valid until December 20, 1956.

My present residence is 59½ Phelps Street, Lyons, N. Y. and I am employed as an electronics engineer by the General Electric Co. at their Germanium Transistor Plant in Clyde, N. Y. This is my primary source of income.

Others of our kin who reside in the United States are Mrs. Sylvia Li, a sister of mine, who resides at 1760 Browning Boulevard, Los Angeles, Calif. My wife also has a sister, Mrs. Florence Loo who resides at 3900 Greystone Avenue, New York 63, N. Y.

2. On October 30, 1952, I and my wife were issued nonimmigrant visas Nos. 193 and 194 by the United States consulate at Hongkong. These bear Visitor Entry Permits Nos. V1505931 and V1505932, respectively. We entered the United States at Honolulu on January 21, 1953.

3. Before coming to the United States, I was employed by the Messrs. Andersen, Meyer & Co., Ltd., a subsidiary of International General Electric Co. in Hongkong from 1947 to 1953. (A copy of the letter certifying to the correctness of this statement is attached—exhibit A.)

Andersen, Meyer & Co. in Hongkong was the last International General Electric Co. agent in the China area when it was closed down because of the embargo in effect during the Korean conflict. Since my work had been in the X-ray field for this company, I felt that this would be a good time to secure further training and thus sought permission for study at the home plant of General Electric in the United States. In addition to seeking training at General Electric Co., I made an arrangement with the Picker X-ray Corp. in May 7, 1953, to study their product as an employee.

To make this possible the Picker X-ray Corp. sent a visa petition to the New York City Immigration Office for permission to give me employment. This permission was granted and I worked for them from May to October of 1953. (A copy of a letter from this corporation stating this employment and my character is attached—exhibit B.)

Because of my extensive education and broad experience in electronics over and above my work in X-ray, on November 18, 1953, I was offered a position by the General Electric Co. as an electronics engineer in their new germanium transistor plant located in Clyde, N. Y. On December 24, 1953, I applied to the Immigration and Naturalization Service, New York City, for permission to accept this offer. Not knowing the procedures necessary to accomplish this request I have used the services of Mr. Simon J. Hauser of the law firm of Nordlinger, Reigelman, Benetar & Charney to insure that I satisfy any requirements which the Immigration Service may expect from me. This firm is located in New York City. In January 1954 I was informed both by my attorney and the officials at the Immigration Service that my application would be granted as a matter of routine though it might take sometime. On January 19, 1954, I received a letter from the General Electric Co. saying that their company counsel had checked with Mr. Lindsey of the New York Immigration Office and it was verbally confirmed that I could be employed without immediate written approval of the Immigration Service. (A copy of the certifying letter is attached—exhibit C.) It is my understanding that when the written confirmation of the verbal approval for employment given above is received, my status will come under Public Law 535.

My wife's present status is still that of a visitor. Her application for an extension of temporary stay was forwarded to the Immigration Service office in Syracuse, N. Y., in February 1955 and is being processed.

4. One of my main reasons for seeking permanent residence in the United States is that by education and experience I can fill a need for trained electronic personnel of which there is a vast need in United States industry at the present time. This skill has a twofold value in that my training can be used to its fullest extent in this country whereas as an enemy of Communist China I can seek employment in only the limited areas held by Nationalist China or in Hong Kong. Since industry requiring my talent is extremely limited in those areas the available jobs generally do not require using my training or experience.

My technical education started with the study of civil engineering at Lingnan University, Canton, China from 1932 to 1934. In the same year I came to the United States and entered the University of Michigan at Ann Arbor, Mich., receiving the degree of bachelor of science in electrical engineering in 1936. Continuing postgraduate work at the same school I received a degree of master of science in electrical engineering in 1937. (Photocopies of these diplomas are attached—exhibit D and E.) Leaving the United States in the summer of 1937 I entered the Marconi School of Wireless Communication in England where I completed both the regular and advanced courses in wireless communication. (A copy of the certifying letter is attached—exhibit F.) Since completing my formal education I have had 17 years of experience in the field of electronics and electrical engineering. (A résumé of this experience is attached—exhibit G.)

My wife studied at Lingnan University, Canton, China, for 1 year prior to World War II. In 1946 she came to the United States and entered the Pratt School of Business in New York City completing the bookkeeping course in 1947. (A copy of letter of certificate attached—exhibit H).

My second main reason for seeking permanent residence in the United States is because of my status as an undesirable by the Communist Government of

China. This comes about because of the close relationship both my wife and I had with the Nationalist Government of China and the United States Government during World War II. For example I was employed from 1942 to 1944 by the Centrol Radio Manufacturing Works of the Nationalist Chinese Government located in Kweilin, China as design and development engineer in charge of transmitter design. When the plant was closed due to Japanese enemy action my services were transferred to the United States Office of War Information as the senior radio engineer in charge of communication equipment, maintenance, and repair. This operation was located in Kunming, China where I was working for the remainder of the war. (A copy of letter certifying as to my services and character in this position is attached—exhibit I.)

In like manner my wife served first the Nationalist Government and then in 1944 began work with the American Information Service (Office of War Information, China Division) at Kweilin, China. (See exhibit J and K attached.) This service ceased because of Japanese action and on reaching Kunming she worked for the Advance Planning Division, Engineering Section, Headquarters Service of Supply, United States Forces, China Theater from October 1944 to July 1945. (See exhibit L attached.) From July 1945 to V-J Day she was employed by the United States Office of Strategic Service, Engineering Section. Her immediate superior was Lt. William Moore. Certification of this service will be made on request by Dr. James Henry, Post Office Box 196, Nokomis, Fla., who also served in this office at that time.

Due to these activities in the Second World War, and our political beliefs, we are classified as highly undesirable persons by the Communist regime in China and, should we return to our native land, we would either be persecuted and our lives be endangered, or be forced to work against our will for the Communist cause. With the reasons given above, we desire to be granted permanent residence status.

5. In January 1955 I discussed with Mr. Simon J. Hauser, my attorney at New York City whether we are qualified to apply under section 6 of the Refugee Relief Act of 1953 or not. His reply was: "The present attitude of the Immigration Service at New York is that Hong Kong would be considered a 'country of last residence,' within the meaning of the first sentence of section 6 of the Refugee Relief Act of 1953. Thus, if you were from Kong Kong it is quite possible that your application for admission for permanent residence under that section would be denied because you would not be subject to 'persecution or fear of persecution on account of race, religion, or political opinion,' if you return there." This indicates that I have tried other administrative means of relief without any success.

6. We have never been convicted of an offense under State or Federal law in the United States.

7. We have never been engaged in any activities and never had any associations and never belonged to any organizations which might be interpreted or alleged to be injurious to the American public interest.

8. Besides the number of certifying letters mentioned above and attached as exhibits, I enclose herewith as exhibit M a letter from the General Electric Co. describing my employment with them and the nature of the work on which I am employed.

I am also enclosing in particular two character reference letters as exhibits N and O. The first is from Mr. Fred N. Emens who has known me since 1937 and the other is from the minister of our church, the Reverend John Whallon. Other letters of reference have been solicited and will be forwarded as soon as received.

We cannot thank you enough for the kindness you have shown by your interest in our behalf. Everything you have done and what you are still doing for us is very greatly appreciated.

Very truly yours,

CHEUK WA LEUNG.

P. S.—On page 7 I spoke of other letters of reference, that I had solicited from old friends of mine living in various parts of the country, but had not received these letters at the time of completion of my "To whom it may concern" letter of explanation.

Just before mailing my exhibits to Washington I received, in the mail, additional letters of reference which I made mention to above. In the first part of this letter I explained about exhibits A through O, and will now identify the additional letters as exhibits P through U.

Exhibit P, which is dated March 21, 1955, is written by Donald H. Kariher, who is my wife's doctor. She has been under his care since becoming pregnant. We are expecting our new arrival in a few months and I am certainly hoping that

my wife's immigration status will be straightened out before the baby is born. As stated previously, her present status is still that of a visitor, but her application for an extension of temporary stay was forwarded to the Immigration Service office in Syracuse, N. Y., in February 1955, and is in the stage of processing.

Exhibit Q, is not a new letter but since I have several extra copies I thought you might want to see it. It is the letter from General Electric dated November 18, 1953, offering me my present position in GE's branch located in Clyde, N. Y.; as indicated in exhibit M, I accepted this position and have been working there for the past 14 months.

Exhibit R, is dated March 27, 1955 and is from Rev. Cyril Hirst of Mountain View, Calif. Reverend Hirst knew me for several years when I lived in Hong Kong and also while I resided in the United States.

Exhibit S, is dated March 28, 1955, and is written by James M. Henry. Mr. Henry was president of Lingnan University in Canton, China, from 1924 to 1927; provost from 1927 to 1950, and the American director at 150 Fifth Avenue in New York City, from 1950 to 1952. He has known both my wife and I for over 10 years and knew of my wife's service with the Office of Strategic Services in China during 1944, 1945, and 1946. The photostatic copy showing the signature is not very plain so I have copied it to enhance greater legibility.

Exhibit T, is dated March 29, 1955, and is from Arthur R. Knipp who knew us in Canton, China. Mr. Knipp was professor of physics at Lingnan University (formerly Canton Christian College) for many years. He and his wife attended our wedding in Hong Kong and have known us for many years.

Exhibit U, is dated March 30, 1955, and is from Roy H. Misner. This letter was written to Hubert T. Taylor who is assisting me in preparing the proper data for congressional consideration. Mr. Misner has known my wife and I since February 1954. We have been together many times, both while attending church and socially.

EXHIBIT A

INTERNATIONAL GENERAL ELECTRIC CO.,
Manila, Philippine Islands, May 25, 1953.

ADMISSION OFFICE,
Polytechnic Institute of Brooklyn,
Brooklyn, N. Y.

GENTLEMEN: This will confirm that Mr. C. W. Leung was employed by the subsidiary of this company in Hong Kong, Messrs. Andersen Meyer & Co. Ltd., from 1947 until early 1953. Mr. Leung was employed in the capacity of sales engineer on behalf of our X-ray and medical products operation in that territory and during this period proved himself conscientious and hard-working employee with above average ability in engineering. His duties included supervision of the installation and servie of all X-ray and medical equipment sold in this territory.

Yours very truly,

WM. B. STOCKS,
Far East Field Representative.

EXHIBIT O

FIRST PRESBYTERIAN CHURCH,
Lyons, N. Y., March 27, 1955.

To Whom It May Concern:

I am very pleased to be asked to write a general letter of reference for Mr. and Mrs. Cheuk Wa Leung. Since they came to Lyons just a year ago, they have been active in our church, uniting with us in full membership in November 1954.

During these months in which we have come to know them, in the church, in their home, and in our own home, we have come to love them in a very real way. The sincerity of their Christian faith and the way in which they have made themselves a part of this country and its people is something that I have found very thrilling.

I am not speaking only for myself and my wife. I speak for the very many people of our church who have come to know the Leungs. As far as I am concerned, let us do everything we can to find people with the spirit and wonderful character of Cheuk and Camilla Leung; and having found them, in whatever corner of the world, let us do everything we can to bring them to America; and then to keep them here.

In all sincerity,

JOHN M. WHALLON.

EXHIBIT N

POINT PLEASANT BRANCH,
Rochester 22, N. Y., March 25, 1955.

To Whom It May Concern:

My wife and I have known Cheuk-wa Leung and his wife Camilla longer than any other United States citizen insofar as we can determine. Our friendship with Cheuk first started when we all became acquainted as students while attending the University of Michigan in early 1937. Finding that we had mutual interests as engineering students and having similar interests in music our friendship developed to the extent that Cheuk visited our home on vacations, counseled freshman students with me at the university, sponsored orientation sessions, attended concerts together and so on. From this a lasting association took place that has not been interrupted except for the World War II years when he was chased into the interior of China by the Japanese forces. Both before and after this period we corresponded regularly about a wide variety of subjects such as philosophy of living, Christianity, living in China, ways of making a living, business, and, of course, our families. In like manner we exchanged gifts particularly during the Christmas season.

Camilla, of course, we never knew personally except by mail until she first came to the United States to attend school in 1946. We first learned to know her through pictures and letters (both Cheuk and I are confirmed amateur photographers), yet it was as though we had had direct personal contact. This correspondence started with her marriage to Cheuk-wa in January 1941. Her gifts to our children started soon after and continued after the war to the present time. Her outlook as is Cheuk's very much like ours in respect to democratic thought, the rights of the common man, and other concepts stemming from Christian belief. This is no doubt due to their Christian family background and education in both British and American schools.

Since Cheuk and Camilla came back to the United States in 1953, we have regularly visited together at least 1 to 2 weekends each month and our friendship has steadily grown through this period. It is a most pleasant relationship. We think their character is above reproach and both my wife and I are looking forward to being godparents to a coming Chinese-American baby citizen.

As a matter of interest in checking my status, I am manager, industrial engineering department, Wollensak Optical Co., Rochester, N. Y. and also a major, United States Army Ordnance Corps, Reserve, Serial No. O–375628.

Very truly yours,

FRED M. EMENS.

EXHIBIT T

THE WYMAN PARK,
Baltimore, Md., March 29, 1955.

Subject: Mr. and Mrs. Cheuk-Wa Leung, 59½ Phelps Street, Lyons, N. Y.

To Whom It May Concern:

I am well acquainted with Mr. and Mrs. Cheuk-Wa Leung, having known them when I was resident in Canton, China. My residing in south China was because of being professor of physics at Lingnan University (formerly Canton Christian College) during 1910 to 1951 (except for furlough and for war interruptions). Mr. Leung studied in the Lingnan Middle School on the Lingnan University campus before coming to this country for college study.

I was glad of the opportunity to see Mr. Leung at odd times when I had occasion to go from Canton to Hong Kong. This was when he was on the staff of Andersen, Meyer & Co., Ltd. He sometimes came to see me at my home on the Lingnan campus when he came to Canton on business. My wife and I were happy to be able to attend the wedding of Mr. and Mrs. Leung in Hong Kong. We were acquainted with Mrs. Leung's brother and also with her sister and brother-in-law. Last September my wife and I were happy to welcome Mr. and Mrs. Leung in our home when they were passing through Baltimore.

I know Mr. Cheuk-Wa Leung to be a man of sterling character. He has high standards of conduct, he is thoroughly trustworthy, and he has had excellent professional study and experience. I feel sure that he and Mrs. Leung will be an asset to this country.

Yours very truly,

ARTHUR R. KNIPP.

The files of the Senate Committee on the Judiciary also contained the following information:

GENERAL ELECTRIC CO.,
CLYDE PLANT,
Clyde, N. Y., March 31, 1955.

Mr. HUBERT T. TAYLOR,
Washington 20, D. C.

DEAR SIR: We were very pleased to learn that you are assisting C. WaLeung by the introduction of a bill in his behalf. His training and experience is such that he is an extremely valuable employee, hence we share his desire for permanent status.

In addition to his bachelor of science and master of science degrees from the University of Michigan he came to us with 5½ years experience with our Hong Kong affiliate, Andersen Meyers & Co. In his 14 months in the General Electric Co. in Clyde, N. Y., he has made good use of this training and experience. He has made important contributions in the fields of semiconductor transistors and rectifiers.

The importance of transistors and rectifiers to our national welfare is best shown by the extreme interest that our Defense Department shows in the development and application of these devices. Of course, Mr. Leung cannot now work in areas where classified work is done; but he has been very useful in the purely commercial design and production activity which is so essential to assure a plentiful supply.

He has been an asset both at work and in the community. We feel that he would make a good United States citizen.

Very truly yours,

R. A. YORK,
Manager, Diode and Rectifier Engineering,
Semiconductor Products Section, Clyde Plant.

EXHIBIT U

BALDWINSVILLE, N. Y., *March 30, 1955.*

Mr. HERBERT T. TAYLOR,
National Association of Deputy United States Marshals,
United States Marshal's Office, New Courthouse,
Washington 1, D. C.

DEAR MR. TAYLOR: Mr. Cheuk Wa Leung has informed me of your efforts to help him obtain permission to remain permanently in the United States. May I thank you for your consideration in his behalf.

Cheuk and I became acquainted when he was hired at General Electric in February 1954. Since that time I have met his wife, Camilla, have been entertained in their home, gone on picnics with them, attended church with them and, of course, have entertained them in our home. If you know them as well as I do, you will agree that they are wonderful people to know. In addition to that, Cheuk is an exceptionally capable engineer and a man who gains the respect of fellow workers and friends.

Knowing about Cheuk's experiences in China, I have, of course, discussed with him many subjects, including the influence of communism on China and the United States. Both he and Camilla have impressed me as being humbly grateful for the privilege of being in the United States, and they have also impressed me as being loyal to our form of democracy, and I would not hesitate to take them into my confidence on any matter.

Even though I have known them for a relatively short time, I do not hesitate to say that I believe they are the kind of people we would not only welcome as citizens, but the kind we need as citizens. They are honest, sincere, grateful, and are willing to work for others as well as for themselves.

May I again thank you for going out of your way to help these people obtain permission to remain permanently in the United States. You may use this letter as you wish if it will help Cheuk and Camilla.

May I also tell you that I have had the pleasure of meeting your sister and her family on one of the above-mentioned picnics and have enjoyed their friendship

very much. It is a pleasure and a consolation to me to know that there are folks like you who are doing so much to help others.

Very truly yours,

ROY H. MISNER,
Technical Products Department, General Electric Co., Electronics Park, Syracuse, N. Y.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1716) should be enacted.

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Calendar No. 929

84TH CONGRESS, 1st Session | SENATE | REPORT No. 922

GEORGE POULIO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2145]

The Committee on the Judiciary, to which was referred the bill (S. 2145) for the relief of George Poulio, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George Poulio. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is an unmarried 57-year-old native and citizen of Greece who last entered the United States on March 25, 1948, as a seaman. He had been a seaman since 1939 and during World War II served in the United States merchant marine. The Immigration and Naturalization Service recommended him for suspension of deportation in 1951 but it failed to gain congressional approval. The beneficiary is employed in a restaurant in New York. His only living relative is a sister who resides in Greece.

A letter, with attached memorandum, dated May 3, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 2978 which was a bill introduced in the 83d Congress for the relief of the same alien reads as follows:

MAY 3, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2978) for the relief of George Poulio, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE POULIO, BENEFICIARY OF S. 2978

George Poulio, also known as Georios Poulios or Georgio Poulis, is a native and citizen of Greece, born May 17, 1898. He last entered the United States on March 25, 1948, at Norfolk, Va., as a seaman. He remained in the United States and submitted an application for suspension of deportation in September 1948 on the basis of 7 years' residence. Deportation proceedings were instituted on December 22, 1948, and the alien was released on his own recognizance. He was later placed on conditional parole. An order suspending deportation was entered on May 14, 1951. Congress failed to approve the order of suspension and a warrant of deportation was issued on September 20, 1953.

The alien resided in Greece until about 1915 when he emigrated to France where he remained until about 1939 when he became a seaman. He worked at this occupation until his last arrival in 1948. During World War II he served in the United States merchant marine and Allied vessels. His education is limited to 3 years' schooling in Greece.

The beneficiary has been employed by the Golden Horn Restaurant in New York City since 1950 earning approximately $60 per week plus meals. The alien is single and has no dependents in the United States. His only close relative is a sister living in Greece. His assets consist of $500 in savings and personal effects which he values at $1,000.

Senator Irving M. Ives, the author of the bill, has submitted the following information in connection with the case:

NEW YORK, N. Y., *March 1, 1954.*

In re George Poulio

To Whom This May Concern:

I am the attorney for the Golden Horn Restaurant in New York City where the above-named Mr. George Poulio has been employed for a period of upward of 6 years.

In my frequent visits to this restaurant I have met Mr. Poulio and have had an opportunity to observe him and also discuss with him his various problems.

Mr. Poulio is a fine, upright, honest, industrious gentleman of good personal habits.

It is my belief that he is loyal to his adopted land and if given the opportunity, will prove to be a fine citizen of the United States.

Yours, etc.,

LOUIS P. RANDELL,
Attorney at Law.

GOLDEN HORN RESTAURANT, INC.,
New York, February 26, 1954.

In re George Pulio

Hon. IRVING M. IVES,
Senate Office Building,
Washington, D. C.

DEAR SENATOR IVES: This letter is being written on behalf of Mr. George Poulio, for whom you have so graciously introduced legislation for his relief.

I have known Mr. Poulio very intimately for a period of over 6 years during which period I have come in contact with him almost daily. As an employee of my restaurant I have been able to see him under every possible condition and state without qualification that he is a gentleman of the highest type. He is honest, personable, industrious, and of the very finest character.

There is absolutely no doubt in my mind but that he will prove a credit to his adopted land.

Thanking you for your efforts on his behalf.

Yours sincerely,

ARAM S. SALISIAN.

THE MAYFLOWER,
New York.

In re George Poulio.

Hon. IRVING M. IVES,
Senate Office Building, Washington, D. C.

DEAR SENATOR IVES: I have known the above applicant for a period of about 5 years. He is honest, gentlemanly, and of unusually good character.

He will make a fine citizen and in due time prove that the efforts on his behalf were justified.

Yours sincerely,

JAMES M. GRAF.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2145) should be enacted.

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Calendar No. 930

84TH CONGRESS, 1st Session | SENATE | REPORT No. 923

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MUALLA S. HOLLOWAY

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2269]

The Committee on the Judiciary, to which was referred the bill (S. 2269) for the relief of Mualla S. Holloway, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has engaged in prostitution in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of Turkey and was married on June 17, 1954, to a United States citizen member of our Armed Forces. Her application for a visa to enter the United States was denied on December 20, 1954, under section 212 (a) (12) of the Immigration and Nationality Act as one who was engaged in prostitution. Without the waiver provided for in the bill, she will be unable to accompany her husband to the United States to make her home.

Senator Stuart Symington, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

FEBRUARY 10, 1955.

THE SENATOR OF MISSOURI,
Congress of the United States,
Washington, D. C.

DEAR SIR: On May 10, 1954, I made application, under provisions of official Department of the Army regulations, for permission to marry a Turkish girl. I was granted this permission on May 15, 1954, and was married on June 17, 1954.

My wife applied for visa early in December 1954, and on December 20, 1954, this visa was disapproved. It was denied on the grounds of prostitutional affiliations.

I have tried, but have been unsuccessful, to obtain a report of investigation similar to that which the visa was denied. I wanted this report because, I feel more than sure that each and every part of it is explainable.

Prior to marrying, I knew of three unfavorable incidents in my wife's past. These incidents are: That she mothered an illegitimate child; had worked in a local bar; and a report, not an arrest, was made on her for being seen at my quarters prior to our marriage (approximately 15 days prior to our marriage). (At this time, this station was on per diem and personnel lived in apartments in the city.)

Two of these incidents were known to my detachment commander prior to the time I had submitted my request for marriage. These two things were that she had mothered an illegitimate child, and he knew of her place of employment. It is further known, and has been admitted, that no investigation had been conducted on my wife, by my detachment commander, as required in Department of the Army regulations. This fact is also very evident in light of the short duration my request for permission to marry was pending.

Possibly this investigation was not made, based on the fact that the American consulate had informed me that these happenings would not hinder a visa. Even now, the American vice consul and consul state that these incidents would not stop her visa.

Of course, it is possible that there are things of which I know nothing. However, I have reason to doubt this. I believe the report of investigation is a statement or statements tending to show my wife's past as being possible prostitutional in nature.

Considering that she lived in three parts of the city of Izmir during the time she was affiliated with the father of her child, it would seem logical that each police station of each section of the city would show something to this effect, which would tend to cause one to understand this to be 3 or more incidents instead of only 1.

Of course, the police record would show nothing as to the fact that in every case, this was the same man, the one who had fathered her child. Now, consider the fact that she was a young girl, 17 years old, who had been deceived into believing that he was going to marry her, had given herself to him, and having no means of support had to remain as he wished, until their baby was born and she was again able to work and support herself, her baby, and her aged mother. Had she been conducting any acts of a prostitutional nature, she would have been arrested, in light of the strict surveillance conducted by the local police on such things, and in light of the severe punishment given to violators.

The fact that she has never been arrested, was told to me, not only by my wife, but also, by the American consul.

The low wages of Turkey forced my wife to seek employment in a place which would pay sufficient wages for her to be able to support herself, her baby, and her mother. The only place was the local bars. She worked there for about 2 weeks, when I arrived in Turkey. I have known her since July of 1953, and have been married to her for almost 8 months. I feel that I should be able to vouch for her during this time.

The report of investigation contains nothing concerning the illegitimate child. This fact tends to not only show the inaccuracy of the report, but more so, does not show the era of her life from May 1951 to the time she broke relations with the father of her child in its true light. Therefore, I honestly believe, that this investigation disclosed nothing other than a few remarks which tend to show my wife's past as possible prostitutional in nature, and further believe that this report of investigation has been misinterpreted by the American consulate.

I married my wife with the desire and firm understanding that when I returned to American life, that she would accompany me. We have been very happily married, and it is not right that it should end like this.

We are not asking for too much. Please, sir, realize that I love my wife and only want here to remain with me. How can I simply forget her and start over again? Please help us, and try to give her the benefit of any doubt, since we were given permission to marry. She is truly a good girl, and all she needs in life is just one break.

I have been good to her. Not in offering her a life which has higher standards of living, but in understanding her. She has made me as good a wife as any man could wish for.

I have discussed my case with several officers of this command, and while all of them agree with me, including the American consul in a sense, none are in position to help. I am, therefore, writing this letter and requesting official advice and

help. In particular, I am writing you in hope, that with your help and influence, and based on the above, it will be possible to receive a visa for my wife.

This is not just an unfortunate incident. This is very serious on my behalf. Surely, I have the right to marry the girl of my choice. I also have the right to lead a normal married life in America. How can I do both if my wife is not admitted into America?

Without being a doctor, and being able to tell for sure, I believe that my wife is going to have a baby. Can I make anyone see that I just can't up and leave her? Can no one understand how I feel, and is it impossible to let us just live our lives and let me love her for what she is, and not what she might have been?

Is it right that my wife, myself, and possibly our baby, have to live on different sides of the world, simply because the Army didn't hold up their responsibility.

Sir, I need help bad. Please understand me, and I beg of you, I'm not asking, but on my knees begging, that you help us out of this awful injustice which is about to befall us. Please.

I sincerely thank you in advance for any help you can render. My tour of duty expires in May 1955. So, I have only a short time left. I have requested that my tour of duty be extended, but on two attempts have received two disapprovals. Please give my situation prompt consideration.

THOMAS W. HOLLOWAY,
Sergeant, RA17281118, United States Army.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Izmir, Turkey, May 14, 1955.

Hon. STUART SYMINGTON,
United States Senate.

DEAR SENATOR SYMINGTON: After receiving your letter of April 22, 1955, regarding the refusal of a visa to Mrs. Mualla S. Holloway, the consulate conducted another investigation to verify the original findings which served as the basis for the refusal of her visa application. This second investigation confirms the validity of our original refusal under section 212 (a) (12) of the Immigration and Nationality Act.

In answer to the specific points raised in your letter:

(1) The consulate was aware of the three unfavorable incidents in Mrs. Holloway's past, known to her husband before his marriage, and has repeatedly assured Sergeant Holloway that these were not grounds for the refusal of a visa. Unfortunately, as you will have seen from the consulate's report of March 22, 1955, we were not at liberty to divulge to Sergeant Holloway the source of the information on which the refusal was based.

(2) There is no record of a conviction of Mrs. Holloway, and she has not been registered as a prostitute.

I regret very much to have to give you this unfavorable report. I can readily sympathize with the most difficult situation Sergeant Holloway finds himself in, but I assure you that the consulate refused Mrs. Holloway's visa because there was no other alternative under the applicable immigration laws.

Very truly yours,

EDWARD L. WAGGONER,
American Consul.

HEADQUARTERS, ALLIED LAND FORCES, SOUTHEASTERN EUROPE,
Izimir, Turkey, May 10, 1955.

Hon. STUART SYMINGTON,
United States Senate, Washington, D. C.

DEAR SENATOR SYMINGTON: This will acknowledge receipt of your letter of April 25, 1955.

Sergeant Holloway was granted permission to marry through error of this headquarters. At the time he requested permission to marry, he stated that his wife to be (his present wife) was pregnant. His assumption later proved to be unfounded.

Sergeant Holloway has been granted an extension of 3 months and there is the possibility of a further extension of 6 months.

I believe that Sergeant Holloway is furnishing you with certain affidavits among which is a statement by the chaplain.

Trusting that this will answer your queries, I am,

Sincerely yours,

PAUL W. KENDALL,
Lieutenant General, United States Army, Commanding.

MAY 6, 1955.

STATEMENT

During the period October 11, 1953, to September 8, 1954, I was the immediate supervisor of Sgt. Thomas W. Holloway, RA17281118 in the Special Projects Branch, Headquarters Command, Headquarters LANDSOUTHEAST, Izmir, Turkey. Sergeant Holloway was a loyal, reliable, and capable assistant during the period indicated above. In September 1954 I was transferred to another division of headquarters LANDSOUTHEAST and no longer maintained daily contact with Sergeant Holloway.

During the period prior to his marriage to Miss Mualla Sakarya, Sergeant Holloway was obviously emotionally distraught and inclined toward moodiness. This condition I found to be a result of his frustration emanating from conflicting advice from his friends, as to whether or not he should marry Miss Sakarya. He obviously was devoted to his fiance but was being repeatedly reminded of her alleged reputation. At this time Sergeant Holloway was drinking heavily during nonduty hours.

Though I did not personally know Miss Sakarya, I am convinced that her marriage to Sergeant Holloway has had a very desirable effect upon him. His work after marriage revealed a happier and more matured individual. To my knowledge he no longer drinks and appears to be enjoying a happy organized married life.

GORDON F. THOMAS,
Lieutenant Colonel, United States Army.

IZMIR, TURKEY, *June 9, 1955.*

To Whom It May Concern:

Sergeant Thomas Holloway has been working as my chief clerk since my arrival in Turkey in August 1954. Because the office personnel is comprised of myself, as chief, Sergeant Holloway, and a Greek soldier, I have had the opportunity of closely observing the actions and character of this young man.

I would like to state that Sergeant Holloway is a fine, intelligent young man who is extremely conscientious in doing his very best in each task he has been given. His work as chief clerk is methodical, neat, and accurate. When given an idea, he invariably develops it to the point that only slight changes are required to make the plan highly acceptable.

I have had the occasion of meeting Mrs. Holloway several times during as many months. She has impressed me as a quiet, unassuming young woman.

Both Sergeant and Mrs. Holloway have visited Mrs. Chaput and me at our home. Mrs. Chaput and I have found this couple could be favorably compared to thousands of young American couples. They are attached to one another and are always welcome at our home.

I sincerely and honestly believe that this young couple have had a stabilizing effect on each other. Further, that when Mrs. Holloway receives permission to enter the United States and becomes an American citizen, she will be a model housewife and American citizen.

OMER T. CHAPUT,
Lieutenant Colonel, United States Army, Plans and Special Projects Officer.

A letter dated April 21, 1955, to Senator Symington from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, April 21, 1955.

Hon. STUART SYMINGTON,
United States Senate.

DEAR SENATOR SYMINGTON: I refer to your letter of March 30, 1955, concerning your interest in the desire of Sgt. Thomas W. Holloway, RA17281118–HALFSEE, box 16, Navy 525, care of Fleet Post Office, New York, N. Y., to bring his wife, Mrs. Mualla S. Holloway, to the United States for permanent residence.

An airmail report dated March 22, 1955, has been received from the consul at Izmir, Turkey, stating that after further careful review of the case, as requested by the Department, the previous conclusion is confirmed that Mrs. Holloway is ineligible into the United States under the provisions of section 212 (a) (12) of the Immigration and Nationality Act. The consul states that it has definitely been ascertained from reliable sources that Mrs. Holloway was a prostitute prior to her marriage. The consul accordingly was required under the provisions of the Immigration and Nationality Act to refuse the issuance of an immigrant visa to her. I can sympathize with Sergeant Holloway in facing the difficulty which has arisen. There appears to be no way, however, by which Mrs. Holloway may qualify to receive a visa under the present law.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2269) should be enacted.

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Calendar No. 931

84TH CONGRESS, 1st Session | SENATE | REPORT No. 924

NADIA NOLAND AND SAMIA OUAFA NOLAND

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2270]

The Committee on the Judiciary, to which was referred the bill (S. 2270) for the relief of Nadia Noland and Samia Ouafa Noland having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen member of the United States Navy. A further purpose of the bill is to grant to the minor adopted child of a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiaries of the bill are the wife of a United States citizen member of the United States Navy and their infant adopted daughter. The wife, a native of Morocco, has been refused a visa because she was convicted on four different occasions for soliciting. She has since received a certificate of rehabilitation. The child beneficiary was born March 9, 1955, at Port-Lyautey, Morocco, and was adopted by the sponsor and his wife on March 16, 1955. The sponsor is a native of Missouri who enlisted in the United States Navy in 1939 and served until 1945. He reenlisted in 1950. He married his wife in Morocco in February 1954. He is presently serving in the United States Navy and will be stationed at Norfolk, Va., in the near future.

Senator Stuart Symington, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Casablanca, Morocco, May 17, 1955.

The Honorable STUART SYMINGTON,
United States Senate.

MY DEAR SENATOR SYMINGTON: The Consulate General acknowledges receipt of your letter of April 20, 1955, expressing an interest in the visa case of Mrs. Nadia Noland.

Our records indicate that Mrs. Noland was convicted of soliciting on four separate occasions by local courts and is consequently inadmissible to the United States under section 212 (a) (12) of the Immigration and Nationality Act.

While the hardship involved is apparent to us, the wording of the law leaves us little choice in this case in spite of circumstances involved. We are obliged to accept local court evidence of conviction, and while it is local judicial practice to grant amnesty for good behavior after conviction of certain minor offenses, we are not allowed to consider that, for visa purposes, such amnesty removes the convictions from the record. All of the above information has been conveyed to the applicant.

If we may be of any further assistance in this matter, please do not hesitate to contact us.

Sincerely yours,

GEORGE D. LAMONT,
American Consul General.

[Copy]

HONOLULU, T. H., *May 11, 1955.*

HON. STUART SYMINGTON,
United States Senate,
Washington, D. C.

DEAR SIR: I received your letter of May 4, 1955, requesting further information concerning the facts surrounding my marriage.

First I must call your attention to the fact that I was a civilian at the time I was married. As such, there were no regulations of our country covering my choice of a wife. Perhaps this needs clarification.

I was discharged from the United States Navy in Port Lyautey, Morocco. At the time I intended to work for a few years with the civilian contracting companies as they were paying high wages. It was during this period that I was married.

My reenlistment in the United States Navy at Washington, D. C. was a result of my wife's insistence that it would be better for both of us. At present, of course, I can say that in the year I've been back in the Navy I have seen my wife on two occasions, both leave periods; once for 8 days and once for 18 days. Needless to say this turn of events coupled with our present poor outlook for the future is making it difficult for either of us to believe I should continue with my Navy career. At the present I have a period of 5 years left on my present enlistment and a total of 9 years left before I would complete my 20 years' service. If I can get my wife and daughter to the United States I naturally would like to continue my naval career. On the other hand, if I am not able to bring them to this country my remaining 5 years will be like a jail sentence to me and I definitely will not be able to continue after that. As a matter of fact, sir, I would in such a case be almost forced to apply for a hardship-type discharge.

As to further facts surrounding my marriage, there seem to be no further pertinent facts except those of record on our marriage license. We were married in Tangier at the American Legation with the Vice Consul of the United States, Mr. Jack C. Miklos as witness. The ceremony was performed by the Reverend Joseph J. Grossholtz, who is an ordained minister of the Bethesda Baptist Church of Philadelphia, Pa., on the 11th of February, 1954. At this time I had been a civilian for approximately 1 month. If supporting documents, such as marriage certificate and discharge papers are required, I would be glad to send them to you.

Sir, my appreciation for what you're doing on my behalf is boundless; I know of no way to show that appreciation at present except by saying "Thank you." My wife and I both pray that you may find some way to help us.

Yours sincerely,

PAUL F. NOLAND, RMC.

U. S. S. "HORNET" CVA–12,
FPO San Francisco, Calif., April 25, 1955.

Hon. STUART SYMINGTON,
United States Senate.

DEAR SIR: Your letter of April 19, 1955, regarding my request for assistance in obtaining an immigrant visa was indeed a morale booster for me. It is very gratifying to know that you will try to help me.

My wife's full name is Nadia Noland. We have a daughter, which we adopted, whose full name is Samia Ouafa Noland. I am advised that I must fill out a separate form I–133 (application for an immigrant visa) for my daughter. Therefore I have written the Bureau of Immigration and Naturalization for this form and instructions. I can foresee no difficulty involved in obtaining her visa. It is the case of my wife's visa that worries me. My lawyer advised me that her visa application was refused under the act of June 27, 1952, section 212 (a) 12 on the ground that she was convicted for soliciting. The records at the United States consulate at Casablanca, Morocco, disclose that she was arrested for soliciting on four different occasions, was in each case sentenced and imprisoned. Thereafter she received a certificate of rehabilitation or what we can interpret as amnesty.

I am enclosing the English interpretation of an official letter from the police commissioner of Port Lyautey which will serve to show that my wife has been of good deportment since the date of her last trouble with the French authorities. I also have in my possession two letters written by American couples who were friends of ours in Morocco which state that my wife has been of good morals and that they would be pleased to have her as a neighbor in the United States. If it would further the cause, I can send you these and obtain such statements from other American families in Morocco.

You asked for someone from my home to write you so that the committee may know the character and standing of my family. I have written to one of the few civilian acquaintances (and a good friend of the family) that I have. I realize that a minister would have been a better reference, but I have been in the Navy and therefore away from Missouri for quite some time. I'll try to explain.

My father passed on when I was 5 years old and my mother passed away the next year. As my father was a member in good standing of the Masonic Order, my sister, one of my brothers, and I were sent to St. Louis to the Masonic Home of Missouri where we were all raised and sent to school. I left the Masonic Home after finishing high school and getting a job with the First National Bank of St. Louis. I have never lived with any of my family except one brother who is now a lieutenant commander in the United States Navy. Since I joined the Navy in 1939 and have been away from St. Louis most of the time, you can understand why it is extremely difficult for me to produce many references who could make a statement concerning my family.

Of course the question arises, then, since I have no family with whom my wife could reside after coming to the United States, with whom would she live. Well, sir, I had intended to have my wife at home with me for a period of 3 years. I have completed 5 years of sea duty and have a request in the Navy's Bureau of Personnel for a billet as an instructor in one of the Navy schools. I am advised that my name is now the third on the list and I may expect my orders to a school billet for 3 years some time within the next 3 to 6 months. Then I would like to bring my wife to the United States to let her study for American citizenship while I can help her, and begin to build our life in the United States with our adopted daughter. The daughter will only be 2 months old on the 9th of May. If any further proof of my personal integrity is needed, I recommend that my service record be checked. In all my naval career I have not one misdemeanor or poor mark. On the contrary all of my Navy marks have been well above the average and all of my conduct marks have been 4.0 which is the Navy equivalent of 100 percent. The Navy has given me their highest enlisted rating—chief petty officer. I have been entrusted with the training and guidance of many of our Nation's youth. My marks can testify as to how well I have carried out my assignments.

I trust, Mr. Symington, that I have furnished you enough information for you to start on. Your early reply to my last letter was deeply appreciated and any further help you can give me will be received in this same spirit.

Yours truly,

PAUL F. NOLAND, RMC,
U. S. S. Hornet, CVA 12.

[Translation]

ATTESTATION

We, Champy Marcel, Principal Commissioner, Chief of Police of Security of Port-Lyautey, Officer of Judicial Police, assistant to the District Attorney of Rabat, attest that Noland, Nadia, born Hilmi, around 1930 at Rabat, domiciled at Port-Lyautey, rue Guynemer,

Submitted to us letter No. 10404 dated June 13, 1954, from the Direction of Sherifian Affairs, Government Justice, which advised her that the Amnesty Commission, at a meeting on the holiday of Aid El Seghir (small holiday) granted her judicial rehabilitation.

On the other hand, Noland Nadia since October 25, 1950, date of her latest sentence, was never called to the attention of the Morals Service of Port-Lyautey, and that she has really rehabilitated herself.

In faith whereof, we have delivered this attestation at her request, in order for her to obtain a visa for a foreign destination.

Done at Port-Lyautey, March 19, 1955.

[RUBBER STAMP OF POLICE COMMISSIONER] CHAMPY MARCEL,
Police Commissioner.

A true translation from the French.

JACK BOHANO.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2270) should be enacted.

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Calendar No. 932

84TH CONGRESS, 1st Session | SENATE | REPORT No. 925

ERIKA MARIE DIETL AND HER TWO CHILDREN, CAROLINE DIETL AND ROBERT DIETL

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 914]

The Committee on the Judiciary, to which was referred the bill (H. R. 914) for the relief of Erika Marie Dietl and her two children, Caroline Dietl and Robert Dietl, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States of Erika Marie Dietl and her two children, Caroline Dietl and Robert Dietl, so that the said Erika Marie Dietl may marry her citizen fiance and that thereafter she and her children may reside in the United States. The bill also waives the excluding provision of existing law relating to one who has been afflicted with tuberculosis in behalf of Erika Marie Dietl, and provides for the posting of a bond as a guaranty that she will not become a public charge.

STATEMENT OF FACTS

The beneficiaries of the bill are a 26-year-old mother and her 5- and 3-year-old children. They are all natives and citizens of Austria. The adult beneficiary is engaged to marry Joseph A. Dombroski, a United States citizen and honorably discharged veteran of our Armed Forces. He met the adult beneficiary while serving in Austria, and acknowledges paternity of the two minor beneficiaries. Mr. Dombroski was denied permission to marry the adult beneficiary by Army authorities on the grounds that her medical record indicated a history of tuberculosis. Mr. Dombroski states, however, that all other tubercular tests conducted showed negative results.

A letter, with attached memorandum, dated May 12, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., May 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 914) for the relief of Erika Marie Dietl and her children, Caroline Dietl and Robert Dietl, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Flint, Mich., office of this Service, which has custody of those files.

This bill would provide that the beneficiaries be admitted to the United States as nonimmigrants for a period of 3 months provided that Erika Marie Dietl is coming to this country with a bona fide intention of being married to her fiance, Joseph A. Dombroski. This bill would admit Erika Marie Dietl as a visitor notwithstanding the section of the Immigration and Nationality Act relating to persons who are afflicted with tuberculosis in any form. In the event marriage occurs within 3 months after the admission of these beneficiaries, the Attorney General would be authorized and directed to record their admission for permanent residence upon payment of the required visa fees.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERIKA MARIE DIETL, HER DAUGHTER, CAROLINE DIETL, AND HER SON, ROBERT DIETL, BENEFICIARIES OF H. R. 914

All of the beneficiaries are residing in Austria and none of them have ever been in the United States. Information concerning these beneficiaries has been furnished by their sponsor Joseph A. Dombroski, a single United States citizen who resides at Saginaw, Mich., and is the fiance of Erika Marie Dietl. The sponsor has been employed since 1946, with the exception of military service, as a lathe operator for the transmission division of General Motors Corp. His present earnings average about $76 per week and his assets amount to about $2,500 which is in cash. Mr. Dombroski served honorably in the United States Army 6½ years, more than 5 years of which were spent in Austria during which time he became acquainted with the first beneficiary. The sponsor lived with her as man and wife from 1948 to April 25, 1952, and acknowledges paternity of the beneficiaries Caroline and Robert. The sponsor has stated that United States Army restrictions prevented marriage during all of that time on account of Erika Marie Dietl being unable to furnish a satisfactory health certificate.

Erika Marie Dietl was born in Vienna, Austria, August 3, 1929. She has never been married and when employed works as a housekeeper. She completed an eighth-grade education and then received training as a seamstress. Miss Dietl and her children have no assets other than their personal belongings and are supported by their sponsor Joseph Dombroski. Erika Marie Dietl has no relatives in the United States. Her father, 1 brother, and 1 step-brother reside in Austria. Caroline Dietl was born at Wels, Austria, on August 13, 1949, and Robert Dietl was born at Linz, Neue Heimat, Austria, on September 4, 1952. Both children reside with their mother Erika Marie Dietl.

The sponsor stated that during his service in the United States Army in Austria he and Erika Marie Dietl tried on four occasions to get married but each time were denied that permission by the United States Army on the grounds that the beneficiary's report of chest X-ray indicated a record of tuberculosis. Mr. Dombroski stated that all other tubercular tests conducted showed negative results.

Congressman Alvin M. Bentley, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I appreciate the opportunity to submit a statement on behalf of H. R. 914, my private bill for the relief of Erika Marie Dietl, and her two children, to allow their admission into the United States from Austria.

This case was first brought to my attention in early 1953, when Mr. Joseph Dombroski of Saginaw, Mich., requested my advice on the procedure for adopting the children, Caroline and Robert Dietl, of which he admits to being the natural father. On March 23, 1953, Edward S. Maney, then Director of the Visa Office of the State Department, informed me that adoption would not entitle the children to any quota preference for the issuance of visas, and that the Austrian quota was heavily oversubscribed. Mr. Maney was of the opinion that these children would be chargeable to the Austrian quota by reason of their birth in that country. A copy of his letter is herewith enclosed.

Mr. Dombroski, I am informed, has tried on several occasions to marry Marie Dietl while serving with the United States Army in Austria. However, because of her physical condition, he was prevented from marriage by the United States Public Health Service in Salzburg. Once such a marriage had been solemnized he could, of course, obtain nonquota visas as legal children of an American citizen. However, despite his deep desire to return to Austria, solemnize the marriage and adopt his children so that the entire family could come to the United States with him, Mr. Dombroski has found this to be a financial impossibility during the last 3 years since his return to this country.

In view of Mr. Dombroski's admitted obligation to support this family and his recognized willingness to assume this obligation, I respectfully urge passage of H. R. 914 so that its humane purpose of reuniting the family may be accomplished at the earliest possible time. I assume that the Judiciary Committee is already in possession of the other papers pertaining to this case, namely, the letter from Mr. Rolland Welsh, Director, Visa Office, Department of State, dated March 16, 1955, and the letter and enclosed report from the Commissioner of the Immigration and Naturalization Service dated May 12, 1955.

Respectfully submitted.

ALVIN M. BENTLEY, M. C.

DEPARTMENT OF STATE,
Washington, March 23, 1953.

Hon. ALVIN M. BENTLEY,
House of Representatives.

MY DEAR MR. BENTLEY: I refer to your letter of March 2, 1953, with its enclosure, concerning the desire of Mr. Joseph A. Dombroski, 2112 Hosmer Street, Saginaw, Mich., to have his two children come to the United States from Austria. Reference is also made to my interim acknowledgment of March 3, 1953.

There is attached for Mr. Dombroski's information a departmental leaflet regarding the granting of visas. There is no provision of law whereby adopted children are entitled to any preference. It is suggested that interested persons in Austria communicate with the nearest American consular visa-issuing office with a view to registering the children as intending immigrants. The American Embassy at Vienna and the American consulate at Salzburg are visa-issuing offices. The consular officer concerned will advise interested persons in Austria of the procedure to be followed in the cases of the children.

For quota purposes an alien is chargeable to the quota of the country of his birth, regardless of present address or nationality. The Austrian quota, to which it appears these children would be chargeable by reason of their birth in Austria, is very heavily oversubscribed at the present time and persons chargeable thereto as nonpreference applicants are experiencing a delay of several years before their turns are reached on the quota waiting list and final action may be taken on their applications.

It is regretted that the foregoing information is not more favorable, but you may assure Mr. Dombroski the consular officer concerned will handle the cases

of these children as expeditiously as possible just as soon as the status of the Austrian quota permits.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 914) should be enacted.

○

Calendar No. 933

84TH CONGRESS, 1st Session — SENATE — REPORT No. 926

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LUDWIKA HEDY HANCOCK (NEE NIKOLAJEWICZ)

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 932]

The Committee on the Judiciary, to which was referred the bill (H. R. 932) for the relief of Ludwika Hedy Hancock (nee Nikolajewicz) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has engaged in prostitution and one who attempts to obtain a visa by false and misleading statements, in behalf of the wife of a United States citizen veteran.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native of Rumania and citizen of Germany who presently resides in that country. On August 7, 1953, the beneficiary was married in Switzerland to Rulen B. Hancock, a United States citizen who was then serving in our Armed Forces in Germany. Following his discharge from the United States Army, the husband of the beneficiary returned to Germany and presently resides there with his wife. The record discloses that the beneficiary is not eligible to receive a visa to enter the United States as one who has engaged in prostitution. In addition, the beneficiary made false statements at the time her husband filed the visa petition. The beneficiary's husband states that his wife has repented her past actions and without the waivers provided for in the bill the beneficiary will be unable to accompany her citizen husband to this country.

A letter, with attached memorandum, dated December 21, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9748, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 21, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request to the Department of Justice for a report relative to the bill (H. R. 9748) for the relief of Ludwika Hedy Hancock (nee Nikolajewicz), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boise, Idaho, office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime, or aliens who are prostitutes or who have engaged in prostitution, and would grant the alien permanent residence if she is found otherwise admissible. The bill would waive these provisions only to a ground for exclusion of which the Department of State or Department of Justice has knowledge prior to the enactment of this bill.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUDWIKA HEDY HANCOCK (NEE NIKOLAJEWICZ), BENEFICIARY OF H. R. 9748

Ludwika Hedy Hancock, a citizen of Germany, was born in Rumania on August 19, 1932, and has resided in Germany since 1946. She has never been in the United States. On August 7, 1953, she was married to Mr. Rulen B. Hancock, a United States citizen.

Mr. Hancock executed a petition on August 26, 1953, for the issuance of an immigrant visa to the beneficiary as the wife of a United States citizen. The petition was approved on October 14, 1953. On November 18, 1954, Mr. and Mrs. Clawson B. Hancock, of Blackfoot, Idaho, parents of Rulen B. Hancock, stated he had informed them that in December 1953, the American consul at Frankfurt, Germany, had denied the beneficiary's application for an immigrant visa because of information to the effect that, prior to her marriage, she "was immoral in her actions in order to earn money to support her family." Her father is deceased.

Mr. Rulen B. Hancock, who was born at Salmon, Idaho, April 29, 1929, served in the United States Army from December 1950 until October 1953, when he was discharged at Camp Carson, Colo. During this service, he was stationed at Landstuhl, Germany, with the 320th General Hospital, from November 1951 until September 1953. He resided with his parents at Blackfoot, Idaho, prior to his Army service and also from October 1953 until July 1954, when he returned to Germany to reside with his wife. From October 1953 until June 1954, he was employed by the Idaho Potato Starch Co., Blackfoot, Idaho. His employer has stated that his work was satisfactory, and that he would be willing to employ him again.

On March 31, 1955, the bill was indefinitely postponed by the Committee on the Judiciary of the House of Representatives. On April 22, 1955, Congressman Hamer H. Budge, the author of the bill, requested that the bill be reconsidered, and the following information in support of his request was submitted to the Committee on the Judiciary of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 22, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR FRANCIS: Enclosed is a letter today received from Mr. Rulen B. Hancock. I appeared before your subcommittee requesting favorable action on the private bill which I introduced on behalf of Mr. Hancock's wife. This letter seems to me to be a much better presentation than I was able to make before your committee, and from the exhaustive investigation of this case which I have made I still strongly recommend favorable action and hope that at some later date your committee may reconsider its previous action.

With thanks for all the courtesies extended me in the matter, I am

Sincerely,

HAMER H. BUDGE, M. C.

DITZINGEN, GERMANY, *April 18, 1955.*

Hon. HAMER H. BUDGE,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR SIR: I received your letter and was very disappointed in the action that was taken for the bill for my wife. I know you did everything you could and I appreciate it very much. I want to thank you for me and my wife and we hope that maybe still some miracle or something will happen so we can come to the United States in the near future. Maybe you will still be able to influence the committee to reconsider what they have done. Our hopes are still in you for help. I know of nothing else to do except hope and pray. We have hoped now for almost 3 years and I guess we can wait longer if necessary. If you know of anything else we might do to get action on the bill please let me know. I would try anything. We want so much to come to the United States but I will stay here until my wife can go with me. I have obtained work in a brick factory here now and my wife is also working in the same factory. The wages are so low here but we make enough to live on so we won't starve. So I guess things could be lots worse.

There is one thing I was wondering if I could do. If you could send me the names and addresses of the committee members or committee officers that refused the bill maybe I could write to them and try to influence them in some way. If I was in the United States I would come to Washington, D. C., if I had to crawl and pay them all a visit. It is hard to believe that they could be so hardhearted in a case of this kind. With all the letters of recommendation for my wife and the fact that it's almost been 3 years since I have met her; let alone all the trouble and expense in papers we have made out since I met her and my returning here, they should not be allowed to overlook these things. If you will send me their names I'll write them and beg them to reconsider. Maybe this is impossible but if so please do this for me.

We are happy here together so I guess that's the main thing. We attend church services every Sunday we can. My wife isn't a member of the church yet but I wanted her to become a member in the States. There is such a small portion here of the church works that I wanted her to see and understand it all before she joined. The church here is behind us, as you know, and are hoping we can go to the United States. I am going to write to President Dyer again and ask him if there is anything he can do.

Well, I will close now. We are still hoping that we can come to the United States soon. I hope our prayers will be answered someday. We hope to hear from you again soon so we can take other action of some kind soon.

We thank you so much.

Sincerely,

RULEN B. HANCOCK.

In addition, Congressman Budge submitted the following report from the United States Public Health Service at the request of the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D. C., June 6, 1955.

Hon. HAMER H. BUDGE,
House of Representatives.

DEAR CONGRESSMAN BUDGE: On May 16, 1955, Mr. Thayn, of your office, requested that the Public Health Service arrange for a medical examination of Mrs. Hedy Hancock, nee Ludwika Hedy Nikolajewicz, for whom a special bill is under consideration by the Subcommittee No. 1, House Committee on the Judiciary, providing for her admission to the United States, although she is now considered to be inadmissible. It was understood that she was afflicted with pulmonary tuberculosis.

Mrs. Hancock was examined at the American consulate general, Munich, Germany, on May 25, 1955, and was found to be medically eligible for entry into the United States under the requirements of the immigration law. There is attached a copy of the report of Dr. Charles P. Stevick, medical officer in charge of the Public Health Service at the Munich consulate who examined Mrs. Hancock.

If I can be of further assistance to you in regard to this matter, please feel free to communicate with me.

Sincerely yours,

J. MASUR,
Assistant Surgeon General,
Chief, Bureau of Medical Services.

AMERICAN CONSULATE GENERAL,
Munich, Germany, May 25, 1955.

Memorandum.
To: Dr. Cabot Brown, tuberculosis consultant, Public Health Service, American Embassy, Paris, France.
From: Public Health Service, Munich, Germany.
Subject: Mrs. Hedy Hancock.

The above applicant was examined in this office today as requested by Dr. Gregg's letter of May 16, 1955.

She states that she has never had a medical examination for a visa by the Public Health Service. Her application was rejected by the Frankfurt consulate because of her police record, according to her statement today.

She was treated for syphilis several years ago but subsequent medical examinations on several occasions have been negative for syphilis and tuberculosis.

The applicant attempted to be married in Germany 2 years ago while her husband was stationed there. Approval was not given by the Army and the couple went to Switzerland and were married. The visa application was rejected in September 1953. Her husband returned to the United States in October 1953 and was discharged from the Army. He is now residing in Germany as a civilian.

A routine medical examination was completed and was found to be entirely negative. This office is prepared to issue a medical approval to the Visa Section if visa processing takes place at this consulate. She was referred to the Visa Section for review of her present status and I was informed that transfer of her file from Frankfurt has been requested.

CHARLES P. STEVICK,
Senior Surgeon (R),
Medical Officer in Charge.

The following information was submitted in support of the bill:

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
OFFICE OF THE WEST GERMAN MISSION,
Frankfort on Main, May 4, 1955.

Hon. FRANCIS E. WALTER,
Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR SIR: This letter is being written in behalf of Mr. Rulen B. Hancock, of Blackfoot, Idaho, currently residing with his wife in Ditzingen near Stuttgart, Germany. Mr. Hancock has advised me that your committee had voted against a bill introduced by Hon. Hamer H. Budge, in which he requested that Mr. Hancock's wife, Ludwika Hedy Hancock, maiden name Nikolajewicz, be permitted to enter the United States as his wife despite certain misconducts on her part prior to her marriage which would normally disquality her for entrance into the United States.

My position in the case is more as a spiritual adviser of these young people. As mission president of the West German Mission for the Mormon Church, I am concerned with the spiritual, social, and economic welfare of all members residing within the confines of this mission, and also the same consideration is extended to our LDS servicemen stationed in West Germany.

I realize that it is very difficult to judge a person in absentia when written records of the follies of an individual appear black. Extenuating circumstances are hard to explain on paper. We sometimes forget that it is possible even for the worst sinner to feel a godly sorrow for his sins and to repent and turn aside from them. It is also difficult for us mortals to decide whether or not an individual has truly repented or if the repentence is merely for ulterior motives. This young girl, in my opinion, has suffered a great deal because of her past conduct. I am convinced that she has repented and has been a faithful wife to Rulen Hancock since they were married. Having interviewed her personally and observed her conduct over a period of several months, I feel that for my part at least, I can forgive her, and I believe that she should be given an opportunity of coming to the United States with her husband. At the present time they are both working very hard in a brick factory, but they are happy together. It would be a tragic affair if they were to be separated. I would like to make a plea that you reconsider the case and that you take favorable action upon the bill introduced by the Honorable Budge. I feel certain that if each member of your committee could personally interview this girl and hear her story from her own lips, you would be convinced in your hearts that she deserves forgiveness and that she will never again resort to the type of thing which caused her downfall.

I don't know what other information you need for reconsideration, but please feel free to write to me and I will do my best to obtain all the character references and information which you request.

Sincerely yours,

KENNETH B. DYER, *Mission President.*

FEDERAL REPUBLIC OF GERMANY,
Land Baden-Wuerttemberg, City of Stuttgart,
Consulate General of the United States of America, ss:

Before me, William P. Stedman, Jr., consul of the United States of America in and for the consular district of Stuttgart, Germany, duly commissioned and qualified, personally appeared Mrs. Ludwika Hedy Hancock, who being duly sworn and deposes and says:

"I, Ludwika Hedy Hancock, under oath swear to the following statements that this is true to the best of my knowledge.

"In regards to my conduct in Germany before I knew my husband, Rulen B. Hancock, I have been charged with several wrongs and in the following I will try to make some kind of an explanation.

"In the year 1940 I was living with my family in Stonojenitz, Rumania. That year my family was forced to leave everything behind and leave Rumania to escape communism brought by the Russians to that country. We traveled the best way we could, obtaining what little food and clothes we could to survive, to Vienna, Austria. There my parents made a home again, only to be forced out again by Communist Russia. We left everything again to come to Germany to try to start again. I traded my clothes and shoes for food to eat for our family and my father, who was fast failing and who was very sick.

"We came then to Ditzingen, Germany, in 1946 when my father died shortly after our arrival there, leaving myself and my mother and my sister to make a living the best we could. I was 14 years old at the time my father died. My mother was sick also at this time and my sister was too young to work so this left me to give most of my time to support them. Many times I traded my clothes for food for us to eat. I obtained work in a shoe factory, working 10 hours a day for 40 marks a month and 20 marks of this went for rent for us, leaving 20 marks a month for 3 people to live on. This was very disgusting to me.

"After working there for approximately 1 year I was offered a job as a dancer, having attended ballet school in Vienna, Austria. They offered me 250 marks a month to travel Germany dancing. I thought this would be a great help to my family so I accepted it. I danced and traveled with three more girls, myself being the youngest. Their conduct and manners were not the best, as I know today, and therefore I fell into bad company. We danced in nightclubs and this kept me out until 4 o'clock in the morning. One morning while returning home from work I was picked up by the police. They didn't think it was right for a

girl of 15 to be on the streets at that hour of the morning. I never had any identification as I was not 16 years of age. In Germany you receive identification at 16 years old. I was then taken with the police and held until my identification of myself was proven right. I behaved very bad at the police station because I didn't think they had any right to take me with them. On account of my bad behavior they sent me to a hospital where they send girls they pick up on the street. There they have told me that I had venereal disease, which I don't believe to this day. After I was released from the hospital I could not go to the city without being picked up by the police again.

"After they had in my police record of being cured for venereal disease I was banned to work in places that handle food and beverages.

"To enter the special service clubs in Germany at this time you had to have permission given out by the police department, which I could not get on account of my previous offenses. Therefore I could not obtain work in Special Services as a dancer for the Americans. From that time on I found it hard to find a respectable job. Therefore my explanation is complete to the best of my knowledge, blaming part of my bad conduct to the hardships of life I had since I was a little girl. Even though my conduct was not the best in Germany I worked hard and helped support my family. I met my husband in August 1952 and from that time since I have lived a good, clean life. Since then I have realized my wrongs, and I am very much sorry for them. I hope to be forgiven for them so I may obtain admission to the United States to live with my husband to start a new life in a country I know is free.

"In regard to the Communist affiliations of my family, as I stated earlier in this affidavit, my parents left two homes to escape communism. To my knowledge I know of no one in my family that has had anything to do with the Communist Party. Before, at the request of the American consulate in Frankfurt, Germany, my mother and I made sworn statements to that fact. We also sent them a sworn statement made by my father before his death that he had never belonged to the Communist Party. Later my husband received a letter from the consulate general in Frankfurt stating that this Communist accusation had been proven untrue. Other than this I don't know of anything else that I can do to prove that my family is not and has never been Communist. I myself swear oath, denying any fact that I have had any affiliations with the Communist Party and furthermore I never intend to.

"My explanation for false statements in connection with my visa application is as follows:

"My husband filled out visa application forms for me and he had no knowledge at that time of my actions before he met me. Being I was very much in love with my husband and wanted to accompany him to the United States, I was afraid to tell him that part of my past life for fear he would not make out the visa application. Therefore, I admit some of my statements were false and I hope that to whom this statement concerns will try to understand that."

LUDWIKA HEDY HANCOCK.

Subscribed and sworn to before me this 10th day of March 1955.

[SEAL] WILLIAM P. STEDMAN, Jr.,
Consul of the United States of Ame ica.

FEDERAL REPUBLIC OF GERMANY,
Land Baden-Wuerttemberg, City of Stuttgart,
Consulate General of the United States of America, ss:

Before me, William P. Stedman, Jr., consul of the United States of America in and for the consular district of Stuttgart, Germany, duly commissioned and qualified, personally appeared Mr. Rulen B. Hancock, who being duly sworn deposes and says:

"I, Rulen B. Hancock, under oath swear to the following statements:

"Having full knowledge of the reasons my wife, Ludwika Hedy Hancock, has been denied entrance to the United States I fully desire to have her admitted to live with me at my home in the United States.

"Having known my wife since August 1952 she has proven to me to be a good and true wife. She knows she did wrong and she is more than sorry for it.

"I accept her as my wife and I am anxious for action to be taken as soon as possible for her entrance to the United States."

RULEN B. HANCOCK.

Subscribed and sworn to before me this 10th day of March 1955.

[SEAL] WILLIAM P. STEDMAN, Jr.,
Consul of the United States of America.

Hon. HAMER H. BUDGE,
Congress of the United States,
House of Representatives, Washington, D. C., and
To Whom This May Concern:

In the following I will try to relate a brief story of my life since 1952 when I met my wife.

I was serving in the Armed Forces in Landstuhl, Germany, at the 320th General Hospital when I met Ludwika Hedy Hancock, who is now my wife. I was working in the hospital with the food service department.

In August of 1952 a small circus came to Landstuhl to entertain the people there as well as the servicemen. In the circus there was a group of girls that danced several numbers and one of these girls was the girl who is now my wife. Having watched the show and enjoyed it very much, as it wasn't vulgar or unclean dancing like many shows I'd seen, I went to compliment the girls on their dancing ability. After speaking with them I found that Hedy could speak some English and I asked her if I couldn't take her to dinner. She said I could, so we had dinner at the messhall where I worked. I talked with her a lot that evening trying to find out what kind of person she was and why she danced as a profession. I was very much impressed with her because she had very good manners and seemed to me to be a very nice girl. I talked to her about her family and other things concerning her and then returned her to the place she was staying. When I returned to my barracks that night I wrote in my diary, "She is going to be my wife." I don't know how things like this come about but my mind was made up. During her stay in Landstuhl I have seen her almost every day and our friendship increased. I knew she wouldn't be there long so I asked her where she was going next, and she said to Trieste, Italy. Before she left we were engaged and she told me when her dancing contract was up she would return to me if my mind hadn't changed by then.

She went to Trieste and on the 1st of October 1952 I took a furlough and went there to see her. She met me at the train and we were very happy to be together again. I was there 9 days on furlough and during that time she cooked for me at the apartment the girls had together and this fact also impressed me more. I inquired every place to see if she had been true to me and everyone told me she had. Before I went to Trieste I had written to her mother asking her if I could have Hedy as my wife. Her mother was quite surprised but said I would have to come and see her. Then I told Hedy to come back to Germany and live with her mother or I would get her an apartment to stay in and furnish her full support. She said she would as soon as she could get out of dancing. I returned to Germany and in a couple of weeks she came back also. Together we visited her mother in Ditzingen, Germany, and her mother gave her consent for us to be married. After visiting my wife's home I could see and understand why she was dancing. She made more money at that to help support her family. We decided to submit marriage papers through the Army as soon as possible so I knew I would need her close to make out the necessary papers so we rented an apartment in Landstuhl.

In December 1952 we submitted the papers for marriage. These included a complete physical examination of my wife and we had that made at the 320th Hospital. My wife was physically fit to enter the United States and so I knew she was good and clean. With all the expense of obtaining papers for her and paying for support for her she didn't have such a happy life for a while either. We also sent money to help her mother who is a very sweet and lovely woman and I think so very much of her.

During this time I extended 9 months longer in the service in hopes I would be able to take my wife to the United States with me at the end of this time. We waited and hoped until July of 1953 and then it was quite obvious I wouldn't get married before I had to return to the United States. During this time I learned to love Hedy more and more. I visited her every day, she kept my clothes clean and mended and pressed. She cooked for me when I was off duty. We attended the Latter-day Saint Church services on Sundays and each night before I returned to

my barracks we knelt beside our bed and prayed for help from Heavenly Father. We loved each other very much and I vowed I would do anything on earth to be united with her in marriage.

In the end of July I spoke with my commanding officer about the marriage papers and he said he would try to locate them. Before he received an answer back I knew it was too late to do anything about them so I asked about getting married in Switzerland. He sent me to a legal officer and there he told me I could be married there. On the 7th of August 1953 we were married in Solothunn, Switzerland. We returned to Landstuhl to find that I just had about 30 days before I was to return to the United States. So we had about a month of happiness as well as sadness that we had to part from. I returned to the United States the last of September 1953 and was discharged from the Army on October 7, 1953. I went home a sad and disgusted person. I wrote my Congressman about my case and he was there to help me if he could. About Christmastime I received a letter from the Latter-day Saint Church President Dyer explaining to me why my wife's visa had been refused. It shocked me as well as hurt me very much and I couldn't believe it because Hedy had been so wonderful in the year that I had known her. I immediately wrote her and asked her for an explanation. She wrote back and told me that I was the first person in the world that had ever treated her nice and I was so clean in my habits that she couldn't bring herself around to telling me about everything. She said she wouldn't make excuses and for me to use my own judgment in what I would do about it, but in the fullness of her heart she asked forgiveness. I talked with my parents about it and the bishop of my church and they all told me I should know best but they thought I shouldn't give her up. I wrote to Hedy and told her to pay a visit to President Dyer in Frankfurt and maybe he could help us. Later he wrote to me and told me he thought I had a wonderful wife and that he would help all he could. I know he has written Congressman Hamer H. Budge about her. My wife was attending church in Stuttgart at that time and was trying to repent for the things she had done.

Later I asked Congressman Budge if he would submit a bill in Congress for my wife. In June of 1954 the bill was submitted. I was convinced that my wife was good so I began to prepare to return to Germany to be with her. My wife in 10 months' time hadn't missed 1 day in writing to me. She wrote to me every day as well as I did to her. This convinced me more than ever she was true to me.

In July of 1954 I returned to Germany. My wife met me at the ship and we were happy to be united again. We then went to my wife's mother's home to live. This is where I am living now. When I returned to Germany I didn't have too much money but thought I could obtain work. Being as I am married to a German girl I couldn't work for the Americans. This meant only one thing: That my wife would have to go to work, because we knew the money I had wouldn't last us. My wife obtained work as a waitress and worked from 9 o'clock at night until 5 o'clock in the morning to make enough money for me and herself as well as her mother to live on. She worked like this about 3 months and finally ended up having to quit at the doctor's request because she needed rest badly.

I have lived in Germany now 8 months without work but my wife has supported us. I cannot express how much this has meant to me. She is the most wonderful girl in the world to me and I want her to go the United States with me as soon as possible. My mother and father are looking forward to meeting her as they only know her by letters and pictures. But they also know she is good and clean and they have also expressed their desires to the Congressman to have her come to the United States.

Everything I have written here is true. I hope my wife will be allowed to come to the United States and I'm begging whoever reads this to please hurry it as fast as possible so we can start us a home in the United States. My wife has proven to me a million times to be the best wife in all the world to me.

Thank you.

RULEN B. HANCOCK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 932) should be enacted.

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Calendar No. 934

84TH CONGRESS, 1st Session | SENATE | REPORT No. 927

KIMIKO SUETA THOMPSON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1180]

The Committee on the Judiciary, to which was referred the bill (H. R. 1180) for the relief of Kimiko Sueta Thompson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kimiko Sueta Thompson. The bill provides for the payment of the required visa fee and for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Japan who last entered the United States on October 10, 1953, as a visitor for medical treatment. On March 19, 1952, the beneficiary was married in Japan to a United States citizen and they have two citizen children. In 1952, when the beneficiary's husband filed an application for a visa in her behalf with the consul in Japan, it was found that the beneficiary was afflicted with tuberculosis. Findings have been made by the Iowa State Department of Health to the effect that the beneficiary's case is arrested.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natural-

ization with reference to H. R. 8740, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8740) for the relief of Kimiko Sueta Thompson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

It appears that the beneficiary is eligible to nonquota status by reason of her marriage to a United States citizen, and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIMIKO SUETA THOMPSON, BENEFICIARY OF PRIVATE BILL H. R. 8740

Kimiko Sueta Thompson (nee Kimiko Sueta), a female, citizen of Japan, was born March 21, 1932, at Fukuoka City, Kyushu, Japan. Her last foreign address was Asshi-shoji, Chiyo-machi, Fukuoka, Japan. Her first and only entry occurred at San Francisco, Calif., via motorship *Akibasau Maru* on October 10, 1953. She was admitted as a "visitor for medical treatment" for an indefinite period on October 12, 1953, under waiver.

In 1952 the alien's husband filed an application for a visa in her behalf, with the United States consulate at Fukuoka, Japan, in order that she could come to the United States with him at the time of his return to the United States upon completing his tour of duty with the United States Air Force. It was then found that the alien was afflicted with tuberculosis. This caused her husband to return to Japan following his discharge, where he remained until he was able to bring the beneficiary and their two children into the United States.

The alien completed 10 years' schooling in Japan in 1946. She was housekeeper for her father until leaving for the United States. Findings have been made by the Iowa State department of health to the effect that the beneficiary's tubercular condition is healed.

The beneficiary was married to a United States citizen at Fukuoka, Japan, on March 19, 1952. They have two children, born November 11, 1951, and March 24, 1953, at Fukuoka, Japan. The alien has no relatives in the United States other than her husband and two children. The alien has her father, her stepmother, 5 sisters, 3 brothers, and 1 half-sister, all residing in Japan.

The beneficiary's husband was born at Tingley, Iowa, on November 1, 1926. He served in the United States Air Force from August 13, 1946, to January 31, 1954. He has a high-school education and presently earns $54 a week in connection with his employment by the Center Mills plant, Creston, Iowa.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1180) should be enacted.

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Calendar No. 935

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 928

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JOSE DOMINGO QUINTANAR

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1185]

The Committee on the Judiciary, to which was referred the bill (H. R. 1185) for the relief of Jose Domingo Quintanar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who attempts to gain admission into the United States by fraud and misrepresentation and one who admits the commission of a crime involving moral turpitude, namely, perjury, in behalf of the husband of a lawful resident alien and the father of 5 United States citizen children and 2 lawful resident alien children.

STATEMENT OF FACTS

The beneficiary of the bill is a 42-year-old native and citizen of Mexico who last entered the United States on or about January 8, 1952, upon presentation of a resident alien border crossing identification card. In 1944, the beneficiary applied for admission into the United States claiming to be a citizen of the United States. He was held for a board of special inquiry and later admitted as a citizen. On May 2, 1944, the beneficiary testified that he had last entered the United States illegally by representing himself to be a citizen of this country and further that he had committed perjury before the board of special inquiry. The beneficiary was again admitted to this country for permanent residence on October 28, 1947, upon presentation of a nonquota immigration visa. The beneficiary is married to a lawful resident alien and they have 7 children, 5 of whom are citizens and the

other 2 are lawful permanent residents. He is employed as an assistant foreman in a plastics company. With the waivers provided for in the bill, the beneficiary will be able to return to Mexico and obtain a nonquota immigration visa and rejoin his family in this country.

A letter, with attached memorandum, dated October 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 10165, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

OCTOBER 5, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10165) for the relief of Jose Domingo Quintanar, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee.

Sincerely,

———— ————, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSE DOMINGO QUINTANAR, BENEFICIARY OF H. R. 10165

The beneficiary, Jose Domingo Quintanar-Martinez, also known as Jose Guadalupe Santos-Morales, native and citizen of Mexico, was born on August 5, 1912. His last foreign residence was Fresnillo, Zacatecas, Mexico. He last entered the United States at El paso, Tex., on or about January 8, 1952. He was admitted upon presentation of a resident alien border crossing identification card. The beneficiary, under the name of Jose Guadalupe Santos-Morales, applied for admission to the United States at El paso, Tex., on March 1, 1944, claiming to be a native of Sawyer, N. Mex., and a citizen of the United States. He was held for a board of special inquiry and testified that he was born in Sawyer, N. Mex. in 1912 and presented a baptismal certificate certifying to the baptism on April 27, 1912, of one Jose Guadalupe (Sanchez) Santos who was born in Sawyer (McGaffey), N. Mex., on January 20, 1912, and claimed that the certificate pertained to him. At the conclusion of the hearing he was admitted as a citizen of the United States. On May 2, 1944, the beneficiary testified before this Service at El Paso, Tex., that he last entered the United States the previous day, May 1, 1944, illegally, by representing himself to be a citizen of the United States when in fact he was a native and citizen of Mexico and further that he had committed perjury before the board of special inquiry at El Paso, Tex., in March 1944. He was permitted to depart voluntarily to Mexico at El Paso, Tex. on May 2, 1944. The beneficiary was again admitted to the United States for permanent residence at El Paso, Tex. on October 28, 1947, upon presentation of a nonquota immigration visa. On September 25, 1953, after hearing, he was ordered deported from the United States on the ground that at time of last entry he was excludable as an immigrant not in possession of a valid immigration visa and as a person who admits having committed a crime involving moral turpitude prior to entry, to wit, perjury. His appeal to the Board of Immigration Appeals was dismissed on May 5, 1954.

The beneficiary has had 8 years of schooling. In December 1947, he accepted employment with the Knickerbocker Plastic Co., North Hollywood, Calif., and is still employed by that company as an assistant foreman and "setup man" at an annual wage of $6,700. His assets amount to approximately $5,700, consisting of equities in his home, furniture, and automobile and $378 in savings.

The beneficiary is married to a lawfully resident Mexican alien. They have 7 children: 5 of the children are native-born United States citizens and 2 are

natives and citizens of Mexico, legally admitted to the United States for permanent residence. The beneficiary's wife and children are completely dependent upon him for support.

The beneficiary has no relatives residing in the United States other than his wife and children. His mother, 2 brothers and 2 sisters presently live in Mexico.

Congressman Glenard P. Lipscomb, the author of the bill, submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20, 1955.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
346 House Office Building, Washington 25, D. C.

DEAR MR. CHAIRMAN: I am writing with regard to H. R. 1185, which I introduced on January 5, 1955, for the relief of Jose Domingo Quintanar.

Mr. Quintanar resides at 3209 Andrita Street, Los Angeles. He is a native and national of Mexico. He was admitted to the United States for permanent residence at El Paso, Tex., on October 28, 1947, having been issued a nonquota immigration visa. His wife and two children accompanied him. He has resided continuously in the United States since that date. His wife is a legal resident of the United States and they have 7 children, 5 of whom are native-born citizens and 2 of whom are legal residents of the United States.

His immigration difficulties arose because of the fact that in 1944, some 3 years prior to the time he obtained his immigrant visa, he had gained admission to the United States by claiming to be one Jose Guadalupe Santos and that he was a citizen of the United States by virtue of his birth in Sawyer, N. Mex. In May 1944, he made a sworn statement to an immigration officer in which he stated that his correct name was Jose Domingo Quintanar; that he had unlawfully gained admission by representing himself to be a citizen of the United States, and that he had committed perjury at the time of his admission to the United States. He was thereupon granted voluntary departure and returned to Mexico.

The Immigration Service has found that Mr. Quintanar is deportable for the reason that at the time of his entry in 1947, he was an alien statutorily precluded from entering the United States as one who had admitted the commission of a crime involving moral turpitude, to wit, perjury; that had it been known at that time that he was an alien precluded from entering the United States he would not have been granted a visa and that he was, therefore, never actually in possession of a valid immigrant visa. The Immigration Service has further found that Mr. Quintanar is not eligible for suspension of a valid immigrant visa. The Immigration Service has further found that Mr. Quintanar is not eligible for suspension of deportation. He has been granted until September 24, 1954, to effect his departure from the United States under the order of deportation.

If Mr. Quintanar is deported he will, of course, be forever barred from returning to the United States. It need hardly be said that his deportation would be a great hardship on his legally resident wife and children, five of whom are native-born United States citizens. They are all entirely dependent upon him for support.

Mr. Quintanar has purchased his own home here and has been employed by the same firm for nearly 7 years. Other than the serious mistake he made in 1944, in attempting to enter the country illegally, there is nothing against his record. He has been of course, of the belief that after having been given a visa by the American consul, his entry in 1947 was a lawful one and that he was a legal resident of the United States.

Although a report was obtained on the bill from the Department of Justice dated October 13, 1954, would you please request another report, even though the committee rules are not determined as yet as to the necessity for a second report.

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1185) should be enacted.

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Calendar No. 936

84TH CONGRESS, 1st Session | SENATE | REPORT No. 929

ADELHEID WALLA SPRING

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1302]

The Committee on the Judiciary, to which was referred the bill (H. R. 1302) for the relief of Adelheid Walla Spring, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Germany who presently resides in that country. The record discloses that the beneficiary was convicted of larceny and fraud on April 25, 1946, and sentenced to 2 months' imprisonment. The beneficiary was married to John Thomas Spring in Germany and they now have two minor children. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her minor children to this country to join the husband and father.

A letter, with attached memorandum, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9760, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9760) for the relief of Adelheid Walla Spring, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Albany, N. Y., office of this Service, which has custody of those files.

The bill would waive the excluding provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have previously been convicted of a crime involving moral turpitude, and would grant the alien permanent residence if she is found to be otherwise admissible. The bill also provides that this exemption shall apply only to the ground for exclusion of which the Department of State and the Department of Justice had knowledge prior to the enactment of the bill.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ADELHEID WALLA SPRING, BENEFICIARY OF H. R. 9760

Information concerning this case was obtained from John Thomas Spring husband of the beneficiary and sponsor of this bill.

Adelheid Walla Spring, a native and citizen of Germany, was born at Grobwartenberg, Breslau, Germany, on March 6, 1926. Her only known difficulty with the law occurred in 1946 when, at the age of 19, she was arrested for theft, convicted, and sentenced to confinement for 2 months and 2 weeks. She has been refused a visa on the ground that she had been convicted of a crime involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection. She married the sponsor on November 21, 1953, at Schonbrunn, Landshut, Germany, where she presently resides. Her son, Jan Spring, resides with his father at Castleton-on-Hudson, RFD No. 3, New York.

John Thomas Spring, a native and citizen of the United States, was born at Albany, N. Y., on May 25, 1929. He was inducted into the United States Armed Forces on December 6, 1950, and was honorably discharged on September 16, 1953. Since the latter date he has taken employment. He was first employed as a deckhand by the Pifiesser Oil Transportation Co. at 1595 Richmond Terrace, Staten Island, N. Y. Since August 1954, he has been employed by the Montauk Oil Transportation Co., New York, N. Y. He works as a deckhand on a harbor tug. His employment is permanent and he receives a salary of $100 a week, plus overtime. He maintains a home with his mother on his mother's farm near Castleton, N. Y., and his wife will reside in this home if she is admitted to the United States.

Advise has been received from the Department of State that the beneficiary was convicted of two separate offenses involving moral turpitude, larceny and fraud. Certified copies of the records of these convictions have been furnished to the Committee on the Judiciary by the Department of State.

The Director of the Visa Office, Department of State, submitted the following report dated July 20, 1954, to the House Committee concerning the beneficiary:

DEPARTMENT OF STATE,
Washington, July 20, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 9, 1954, and its enclosures, wherein you request a report of the facts in the case of Adelheid Walla Spring, beneficiary of H. R. 9760, 83d Congress, 2d session.

According to information furnished the Department by the American consulate general at Munich, Germany, Mrs. Spring was found ineligible to receive a visa upon preexamination of her case in connection with Corporal Spring's application

for permission to marry as a member of the United States Armed Forces in Germany. The consulate general at Munich transmitted with its report copies of the court records in Mrs. Spring's case, and in order that the committee may be fully apprised in the matter, certified copies of the aforementioned court records are enclosed herewith.

As the offenses of larceny and fraud have been held to constitute crimes involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the consular officer to whom Mrs. Spring should apply would have no alternative other than to refuse to issue a visa in her case.

At this time the Department has no knowledge of any factor in Mrs. Spring's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Spring from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

[Translation]

File No. Cs 75/46.
Valid and enforcible.

ORDER TO INFLICT PUNISHMENT

To Miss Adelheid Walla, at present in the District Court Prison at Landshut

According to charges brought against you by the criminal police, Landshut on April 12, 1946—

1. You stole from another by taking on April 8, 1946, from the apartment of Maria Baumgartner in Landshut, Freyung 623, 1 pair brown women's sport shoes, 1 shoe brush, and 1 small colored curtain, with the unlawful intention of converting said objects for your own use.

2. You deceived another, by leading Maria Baumgartner to believe on April 3, 1946, that you were sent by her sister Anna Koeglmeier, who was not feeling well, and wanted you to bring her some clothing to the hospital. Baumgartner believed you and gave you a brown skirt, 1 blouse, 2 pairs of stockings, 1 pair sports shoes, 1 towel, and 1 piece of soap. You kept these objects for yourself.

The material damage inflicted on Koeglmeier amounts to RM75, which was your intention from the beginning.

This constitutes an offense of larceny according to section 242, German Criminal Code, in coincidence with an offense of fraud according to section 263, German Criminal Code.

Evidence: Charges.

According to the written application of the public prosecutor due to the mentioned regulations and section 407. following of the criminal court proceedings there is a penalty of 1 month plus 2 months imprisonment imposed, reduced to a cumulative penalty of 2 months and 3 weeks.

Besides further detention was ordered.

You will have to bear the costs of the proceedings.

This order to inflict punishment will be judicially effective and carried out if no verbal or written appeal is made to the undersigned county court, or to the office of the court within 1 week after delivery. Appeal in writing should be submitted to the court before a week's time has elapsed. Means of evidence serving for the defense might be listed in the letter of appeal.

In case of timely appeal, trial will be arranged before the county court in Landshut if the public prosecutor does not dismiss the complaint or if the appeal is not withdrawn.

Execution of the fine and the costs of the proceedings can be prevented by payment within a period of 2 weeks after delivery of this order.

Landshut, April 25, 1946.

The County Judge:

GLOMIK, AGR.

For Certification: The Registrar

WOLFF, *Inspector of Justice.*

I, Johanna von Ungelter, being duly sworn, declare that I well and truly know the German and English languages and that the foregoing is a true and correct translation of a certified copy of the order to inflict punishment.

JOHANNA VON UNGELTER.

FEDERAL REPUBLIC OF GERMANY,
Land Bavaria, City of Munich,
Consulate General of the United States of America, ss:

Subscribed and sworn to before me this 9th day of April 1954.

FRANCIS L. FOLEY,
American Vice Consul.

Congressman Leo W. O'Brien, the author of the bill, wrote to the chairman of the Senate Committee on the Judiciary on July 5, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 5, 1955.

Re H. R. 1302, for the relief of Adelheid Walla Spring.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I enclose a copy of my bill for the relief of Mrs. Adelheid Walla Spring, which passed the House on June 21, 1955, and also a copy of the House report on theHouse report on this bill.

I had originally introduced this bill in the 83d Congress, but the Department reports were not received in sufficient time to allow the committee to take action before final adjournment. A second child has been born since that time.

Mrs. Spring's husband, John Thomas Spring, is a resident of Castleton-on-Hudson, N. Y. He first met his wife while serving with the Army in Germany, and later returned to that country for the purpose of marriage. He returned to the States to endeavor to have his wife admitted to the country, but very recently had to fly back to Germany due to the serious illness of their second child.

This is most worthy case, I believe, and I sincerely hope that it may be possible for your committee to favorably act on H. R. 1302 before the adjournment of this session.

I am,
Respectfully yours,

LEO W. O'BRIEN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1302) should be enacted.

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Calendar No. 937

84TH CONGRESS, 1st Session } SENATE { REPORT No. 930

MOTHER AMATA (MARIA CARTIGLIA), SISTER OTTAVIA (CONCETTA ZISA), SISTER GIOVINA (ROSINA VITALE), AND SISTER OLGA (CALOGERA ZEFFIRO)

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1304]

The Committee on the Judiciary, to which was referred the bill (H. R. 1304) for the relief of Mother Amata (Maria Cartiglia), Sister Ottavia (Concetta Zisa), Sister Giovina (Rosina Vitale), and Sister Olga (Calogera Zeffiro), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mother Amata (Maria Cartiglia), Sister Ottavia (Concetta Zisa), Sister Giovina (Rosina Vitale), and Sister Olga (Calogera Zeffiro). The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are all natives and citizens of Italy and they are 59, 47, 35, and 33 years of age, respectively. They are Roman Catholic nuns of the Order of the Sacred Heart and the Order of the Daughters of the Most Precious Blood. Two of the beneficiaries entered the United States on March 15, 1950, as visitors, and the other two beneficiaries entered on November 10, 1953, also as visitors. Mother Amata and Sister Ottavia reside at Niagara University, New York, and perform domestic duties in connection with the convent. Sister Giovina and Sister Olga reside at the LaSalette Seminary, Altamont, N. Y., and perform similar duties. Officials of

both institutions state that it is difficult to obtain lay personnel to perform such services and that only religious women trained in their mode of life can fulfill their needs.

Letters, with attached memoranda, dated July 2 and December 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8553 and H. R. 9897, which were bills introduced in the 83d Congress for the relief of the same beneficiaries, read as follows:

JULY 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to bill H. R. 8553 for the relief of the beneficiaries Mother Amata (Marie Cartiglia) and Sister Ottavia (Concetta Zisa), there is attached a memorandum concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Buffalo, N. Y., office of this Service which has custody of these files.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The aliens are chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MOTHER AMATA (MARIA CARTIGLIA) AND SISTER OTTAVIA (CONCETTA ZISA). BENEFICIARIES OF H. R. 8553

The beneficiary, Mother Amata (Maria Cartiglia) was born in Ragusa, Italy, on March 19, 1896. The beneficiary, Sister Ottavia (Concetta Zisa), was born in Ragusa, Italy on November 1, 1908. Both beneficiaries are citizens of Italy and last entered the United States at New York, N. Y., on March 15, 1950, when they were admitted as visitors for 6 months. The beneficiaries have resided in Italy continuously from birth until their arrival in this country. They have received several extensions of stay; their last application being denied on October 19, 1951. Denials of applications submitted by both beneficiaries for granting of immigration status under section 204 (b) of the Immigration and Nationality Act were affirmed by the Assistant Commissioner on March 3, 1954. On August 4, 1952, warrants of arrest were issued for both aliens on the ground that after admission as visitors they had remained in the United States longer than permitted. Hearings have not yet been granted under the outstanding warrants of arrest.

The beneficiaries are members of the reglious Order of the Sacred Heart, presently residing at Niagara University, Niagara University, N. Y. They perform duties of a nonpedagogical nature in connection with the convent, chapels, priests' dining room, and kitchen of the university. It is submitted by the ecclesiastical officials of the university that the nonpedagogical services of nuns such as the beneficiaries, rather than those of lay employees, are required in the best interests of the university and for its most efficient operation.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9897) for the relief of Sister Giovina (Rosina Vitale) and Sister Olga (Calogera Zeffiro), there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Albany, N. Y., office which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Italy.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SISTER GIOVINA (ROSINA VITALE) AND SISTER OLGA (CALOGERA ZEFFIRO), BENEFICIARIES OF H. R. 9897

Sister Giovina (Rosina Vitale), citizen and native of Italy, was born on September 15, 1920. Sister Olga, citizen and native of Italy, was born on August 22, 1922. They entered the United States at New York, N. Y., on November 10, 1953. They were admitted as visitors for 6 months. They received extensions of stay, the last of which expired on July 15, 1954. Deportation proceedings were instituted on August 20, 1954. They have been granted the privilege of departing voluntarily from the United States. They have until March 1, 1955, within which to avail themselves of this privilege.

Sister Giovina and Sister Olga are members of the religious community known as the Daughters of the Most Precious Blood. Sister Giovina entered the community on November 3, 1949, in Rome, Italy. Sister Olga entered the community on August 21, 1944, in Rome, Italy. They remained with the community in Italy until their visit to the United States in 1953.

The Sisters came to the United States to aid other members of their community in their work. While in the United States, they have been stationed at the LaSalette Seminary at Altamont, N. Y. They have been taking care of the House of the Missionaries of LaSalette, and have been cooking for the missionaries and the seminarians. At present there are 25 priests and 24 students at the seminary. There are a plentiful number of Sisters in Italy and a severe shortage in the United States. Sister Giovina and Sister Olga have no assets in the United States or in any other country. They are maintained by their community.

Sister Giovina's family consists of her parents, 1 brother, and 3 sisters, who are native-born citizens and residents of Italy. Sister Olga's family consists of her parents and two brothers, who are native-born citizens and residents of Italy.

Congressman Leo W. O'Brien, the author of the bill, submitted the following information in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 9, 1954.

Re H. R. 8553, for the relief of Mother Amata and Sister Ottavia

Hon. LOUIS E. GRAHAM,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I have just received from your subcommittee a copy of the report submitted relative to my bill for the relief of the above nuns, and while I dislike asking special treatment for any of my private bills, I most respectfully request that your subcommittee give consideration to H. R. 8553 at this session, if it is at all possible.

From the report I see that there are outstanding warrants of arrest against both Mother Amata and Sister Ottavia due to the fact that they have remained in the United States longer than permitted, and I fear that action may be taken against them before I could reintroduce a bill for their relief at the next session, and it is because of this that I am seeking your sympathetic consideration of my request.

I am enclosing a statement furnished me by Father James M. McGlinchey, superior at Niagara University, which indicates the urgent need at the university for the services these good nuns are rendering, and I sincerely hope that it may be possible for your subcommittee to favorably report on H. R. 8553, in spite of the lateness of the session.

Kindest regards, I am

Respectfully yours,

LEO W. O'BRIEN.

STATEMENT INDICATING THE URGENT NEED OF NIAGARA UNIVERSITY FOR THE SERVICES TO BE RENDERED BY MOTHER AMATA AND SISTER OTTAVIA

Niagara University is a nonprofit institution. Fees of students are kept as low as possible, in order that more men and women may have an opportunity to receive a college education. Moreover, some 10 percent of our student body receive special grants that enable them to receive free or partially free education. Undoubtedly, our city, State, and Nation benefit from these services that we render. There is a constant flow of men and women from our institution into the various professions. Each year a number of trained scientists and nurses are enrolled in the defense program of our Nation. And since Niagara University has a thriving ROTC program, a class of Reserve officers are annually put into the service of the United States Army. Likewise many Army, Navy, and Air Force chaplains are graduates of this institution.

During the last war, Niagara University conducted a highly successful military program for the United States Army and Air Force. At that time the Bernardine Sisters of St. Francis were part of the university staff, and their services enabled us to operate in a highly efficient manner. The military officials recognized this and in most laudatory terms commended their work. After the war, these sisters were forced to leave our institution because of pressure brought on them to serve in hospitals, etc., and since their departure we have been unable to replace them by other American nuns. Conscious of our great need, I have made every effort to obtain nuns from orders established in the United States. In this I have not the slightest hope of being successful.

It is extremely difficult for a religious institution of this kind to operate in an efficient manner if it must depend solely on lay personnel. This is particularly true in an area like ours—circled as we are by defense plants of all kinds—where trained lay personnel is at a premium. But the fact is that only women of a religious order, sympathetic toward and trained in our traditions and mode of operation can adequately fill our needs. In somewhat the same manner as it would be impossible for Niagara University to exist if the congregation of the mission, and order of priests, were to withdraw its personnel—so without a group of religious women who devote their lives to just such services as we render, this institution can only limp along, always laboring under severe handicaps and disadvantages.

The services to be performed by Mother Amata and Sister Ottavia will concern the convent, chapels, priests' dining room and kitchen of Niagara University. They will participate in the operation, control, and supervision of these functions.

LA SALETTE SEMINARY,
Altamont, N. Y., July 29, 1954.

Mr. LEO W. O'BRIEN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN O'BRIEN: This is to certify that two members of the religious community known as Daughters of Charity of the Most Precious Blood, namely, Sister Olga and Sister Giovina, are at the present time located at La Salette Seminary, Altamont, N. Y., where they have been engaged in gaining experience in American methods and perfecting their English, which was our main purpose in bringing them to the United States. It should be noted that adequate personnel could not be secured in this country. In Italy and other countries they fulfill functions such as establishing and conducting orphanages, old people's homes, day nurseries, and hospitals, and they hope to do the same in this country.

At La Salette Seminary they are at the present time engaged in caring for the chapel, altars, sacred vessels, altar linens, and like duties, which duties cannot be cared for by lay persons. The loss of these Sisters would work a grave handicap to La Salette Seminary in its training program and to the works of the La Salette Fathers whom they serve. Our Fathers of La Salette are engaged in many benevolent, charitable, and philanthropic works throughout the United States and in numerous parts of the world including Canada, South America, Madagascar, and Burma. These two Sisters, members of the Daughters of Charity of the Most Precious Blood, and others whom they will train, will be of inestimable value to their own community and to ours when they have finished their courses.

Sisters of this high type are in such demand and are so sorely needed that it has been found impossible to procure them in the United States. We have searched from coast to coast but without avail.

It is our firm belief, that if these two Sisters, Daughters of Charity of the Most Precious Blood, are forced to discontinue their important work at our seminary

their further training and the training they can impart to others, the whole program of education at our seminary will suffer, along with the varied religious and educational works we maintain throughout the world. These Sisters will be of immense service to us, to their congregation inside and outside of our country, and to the countless thousands they will serve directly or indirectly throughout the world.

May we hope that through the generous consideration of Congress, these two Sisters will be granted the privilege of remaining permanently with us in the United States.

Grateful for your promised assistance, I remain

Sincerely,

Rev. PHILIBERT J. O'HARA, M. S.,
Superior.

P. S.—There is attached a statement of facts relative to complete names and other data relating to the Sisters.

LA SALETTE SEMINARY,
Altamont, N. Y., July 29, 1954.

To Whom It May Concern:

This is to certify that Calogera Zeffiro (Sister Olga) and Rosina Vitale (Sister Giovina) have resided continuously at La Salette Seminary, Altamont, N. Y., since their arrival in the United States on November 10, 1953.

These two Sisters are members of a religious congregation known as the Sisters of Charity of the Most Precious Blood, with their headquarters in Rome, Italy. None of them are gainfully employed in the ordinary sense of the word for they have taken a vow of poverty to serve without pay in aiding the work of their congregation. They are supported and maintained by the La Salette Fathers, of La Salette Seminary, Altamont, N. Y., whom they are aiding in their work of training priests and missionaries for this country, for the foreign missions of Madagascar and Burma, and for the countries of Brazil and Argentina in South America.

The duties of these two Sisters consist principally of the care of the chapels, altars, altar linens, and sacred vessels, and similar duties which cannot be cared for by lay people.

The congregation of the Sisters of Charity of the Most Precious Blood, of which these two Sisters are members, has for its principal work the care of hospitals for the aged, of day nurseries and orphanages. They have at present nurseries in Paterson, N. J., Bridgeport, Conn., and Schenectady, N. Y. The two Sisters listed above were trained for this type of work and came here to La Salette Seminary as visitors. They have received further training here, but have agreed to remain here indefinitely, in order to be of help to the La Salette Fathers in their work of preparing and training missionary priests.

Rev. PHILIBERT J. O'HARA, M. S.,
Superior.

STATEMENT OF FACTS CONCERNING THE TWO SISTERS, DAUGHTERS OF CHARITY OF THE MOST PRECIOUS BLOOD, OF ALTAMONT, N. Y.

The beneficiaries of this bill are natives and citizens of Italy who last entered the United States as visitors on November 10, 1953. They are members of the Daughters of Charity of the Most Precious Blood, and are now carrying out their duties as nuns at La Salette Seminary, Altamont, N. Y.

These nuns are as follows:

(1) Sister Olga (Calogera Deffiro) was born August 22, 1922, in Sciacca, Sicily.

(2) Sister Giovina (Rosina Vitale) was born September 15, 1920, in Montorio, Salerno.

These two aliens entered the United States at the port of New York, as passengers, November 10, 1953, when they were admitted temporarily as visitors under section 3 (2) of the Immigration Act of 1924, for a period of 6 months.

Whereas the original purpose in coming here was to learn American methods, there subsequently arose an urgent need to have their services at our seminary in Altamont.

These two Sisters entered this country under instructions of the Mother General of the order located in Rome, Italy. Upon their arrival they were sent to La Salette Seminary, Altamont, N. Y., to be taught English and to study work being done by members of their congregation in the United States and other similar

congregations so as to be better equipped for their work. We now have the consent of the Mother General in Rome for the entire group to remain permanently in the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1304) should be enacted.

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Calendar No. 938

84TH CONGRESS, 1st Session } SENATE { REPORT No. 931

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PAUL COMPAGNINO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1435]

The Committee on the Judiciary, to which was referred the bill (H. R. 1435) for the relief of Paul Compagnino, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Paul Compagnino. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge or visa fee payment is provided for in the bill inasmuch as the beneficiary was admitted to the United States in possession of an immigrant visa.

STATEMENT OF FACTS

The beneficiary of the bill is a 15-year-old native and citizen of Italy, who last entered the United States on May 21, 1948, at which time he was admitted for permanent residence in possession of an appropriate immigrant visa. On August 23, 1950, the beneficiary was confined to Letchworth Village, N. Y., as a public-charge patient, and on February 2, 1951, he was certified by the United States Public Health Service as being an imbecile at the time of and prior to his entry to the United States. The beneficiary's mother was admitted to the United States for permanent residence on July 25, 1947. She was previously in the United States from 1911 to 1920. In addition, the beneficiary has a sister who is a citizen of the United States by birth, and 3 brothers, 2 of whom are citizens and the other a legally

resident alien. The beneficiary's sister is the sole support of her mother and the beneficiary. Since the beneficiary's readmission to Letchworth Village on May 7, 1952, his sister has been contributing $20 a month toward the cost of maintenance.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8264, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8264) for the relief of Paul Compagnino, there is annexed a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of these files.

The bill would provide that for the purposes of the Immigration and Nationality Act the beneficiary shall be considered to have been lawfully admitted to the United States upon payment of the required visa fee, provided that a suitable bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act. It should be noted, however, that the beneficiary has been found subject to deportation under the act of February 5, 1917, in that he became a public charge within 5 years after entry into the United States from causes not affirmatively shown to have arisen subsequent thereto, and on the further ground that he was an imbecile at the time of his entry.

The beneficiary was admitted to the United States at New York, N. Y., on May 21, 1948, for permanent residence in possession of a quota immigrant visa. At that time the visa fee had already been paid. Under the circumstances the committee may wish to delete this requirement.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL COMPAGNINO, BENEFICIARY OF H. R. 8264

The beneficiary, Paul Compagnino, also known as Paulo or Paolo Compagnino, was born on March 16, 1940, in Catania, Italy. His only entry into the United States occurred at New York, N. Y., on May 21, 1948, at which time he was admitted for permanent residence in possession of an appropriate immigrant visa. On August 23, 1950, he was confined to Letchworth Village, New York, as a public charge patient. On February 2, 1951, he was certified by the United States Public Health Service as suffering from a class A condition, imbecile, at the time of and prior to his entry to the United States.

On September 25, 1951, after a hearing in deportation proceedings, he was ordered deported on the ground that he became a public charge within 5 years after his entry into the United States, and on the further ground that he was an imbecile at the time of his entry. His appeal to the Board of Immigration Appeals was dismissed on May 7, 1952, and a motion to reconsider his deportation hearing was denied on October 23, 1952, without prejudice toward further consideration, upon presentation of appropriate evidence. Inasmuch as no further action was taken on his behalf, the beneficiary's deportation was set for March 31, 1954.

The beneficiary has been confined to Letchworth Village from August 23, 1950, to March 4, 1951, at which time he was released on convalescent care to his mother. He was readmitted to the institution on May 7, 1952, and is presently confined there. His mother was admitted to the United States for permanent residence on July 25, 1947. She was previously in the United States from 1911 to 1920. The beneficiary also has a sister, Giuseppina, a citizen of the United States by birth, 3 brothers, 2 of whom are citizens and the other a legally resident alien of the United States. His closest relatives in Italy are two married sisters. It is alleged

that they are awaiting the issuance of immigrant visas for their admission to the United States for permanent residence.

The beneficiary's sister, Giuseppina, stated that she is the sole support of her mother and the beneficiary. She is employed as a machine operator and earns $70 a week. The combined assets of her mother and herself consist of personal effects and furniture of the approximate value of $1,000. According to the records of the New York State Department of Mental Hygiene demand for payment of maintenance at the rate of $75 a month was made on the beneficiary on October 25, 1950. Since the beneficiary's readmission to the institution on May 7, 1952, his sister has been paying $20 a month toward the full cost of maintenance. The records of the New York City Department of Welfare disclose information that the beneficiary's mother and father (the latter who is now deceased) were the recipients of home relief and public assistance for the period beginning with July 16, 1953, to August 10, 1953.

Congressman J. J. Rooney, the author of the bill, submitted the following letter from the sister of the beneficiary of the bill:

BROOKLYN, N. Y., *May 21, 1955.*

Hon. J. J. ROONEY,
Member of Congress, 14th District, New York.

DEAR SIR: I am answering your letter of May 6, 1955, concerning my brother, Paul Compagnino, who is at present a patient of New York Mental Institution, Letchworth Village, New York.

I am paying at present $20 a month for him, and I also provide clothes for him.

I hope that in the near future my brother will be released from the institution and no longer be considered a public charge.

The amount I am paying is the amount that the New York State Mental Institution considers I am able to pay according to my salary.

With kindest regards, I remain,

Respectfully yours,

GIUSEPPINA COMPAGNINO.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1435) should be enacted.

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Calendar No. 939

84TH CONGRESS, 1st Session | SENATE | REPORT No. 932

ERVIN BENEDIKT

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1436]

The Committee on the Judiciary, to which was referred the bill (H. R. 1436) for the relief of Ervin Benedikt, having considered the same, reports favorably thereon without amendment and recommends the the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Ervin Benedikt. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native of Hungary, now stateless, who last entered the United States on March 29, 1950, as a student, destined to the Rabbinical College of America in Brooklyn, N. Y. He attended the seminary until May 1952. The beneficiary is now employed by his brother, a legal resident, who operates a foreign-exchange business. The beneficiary's parents are legal residents of the United States and reside with his brother.

A letter, with attached memorandum, dated November 17, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 4967, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 17, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4967) for the relief of Ervin Benedikt, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one quota number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota for Hungary.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERVIN BENEDIKT, BENEFICIARY OF H. R. 4967

The alien, Ervin Benedikt, was born in Vac, Hungary, on August 14, 1924. He claims to be stateless, is single, was last a citizen of Hungary, and last resided abroad in France. Mr. Benedikt was admitted to the United States on March 29, 1950, at New York, as a student under $500 bond. He was destined to the Rabbinical College of America, in Brooklyn, N. Y. He failed to depart after the expiration of his authorized stay, in consequence of which he was placed under deportation proceedings and granted until May 8, 1953, to effect his departure. Final expulsion proceedings are being held in abeyance pending outcome of the private bill introduced in his behalf.

Mr. Benedikt has testified that he received 8 years of elementary schooling and 14 years of Jewish religious schooling in Hungary, and that he is presently attending rabbinical school on a part-time basis. He also testified that he resides with and is supported by his brother who is a legally resident alien, and that he assists his brother without compensation in his foreign money exchange business. He stated that his parents are legal residents who live with and are supported by his brother. The alien has another brother residing in Switzerland and one residing in Israel.

In addition, the following letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives, from the Commissioner of Immigration and Naturalization, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1436) for the relief of Ervin Benedikt, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota for Hungary.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERVIN BENEDIKT, BENEFICIARY OF H. R. 1436

Ervin Benedikt, last a citizen of Hungary and now stateless, was born on August 14, 1924, at Vac, Hungary. He is single and resides at 5302 15th Avenue, Brooklyn, N. Y. He earns $2,500 a year and is employed in a clerical capacity by his brother, Alfred Benedikt, a legal resident, who operates a foreign-exchange

business at 82 Wall Street, New York, N. Y. His financial assets consist of $2,000 in cash savings and personal effects valued at $500. He received 8 years of elementary schooling and attended Hebrew religious schools for 14 years in Hungary. He attended a rabbinical school in Budapest, Hungary, from 1944 to 1949 and the Rabbinical Seminary of America, 135 South Ninth Street, Brooklyn, N. Y., from April 1950 to May 1952. His parents are legal residents of the United States and reside with his brother. He also has a brother who resides in Switzerland and another brother who resides in Israel.

The beneficiary last arrived in the United States on March 29, 1950, at New York, N. Y., and was admitted as a student under $500 bond to September 26, 1950. Deportation proceedings were instituted through the issuance of a warrant of arrest on September 9, 1952, on the charge that the beneficiary was a student who had remained in the United States for a longer time than permitted. After a hearing he was found deportable on the warrant charge and an order was entered on October 20, 1952, granting him the privilege of voluntary departure with the alternative of deportation, should he fail to depart voluntarily. Private bill H. R. 4967, 83d Congress, was introduced on behalf of the beneficiary on April 30, 1953.

On July 12, 1954, the beneficiary submitted an application, which is still pending, for adjustment of immigration status under section 6 of the Refugee Relief Act of 1953.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1436) should be enacted.

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Calendar No. 940

84TH CONGRESS, 1st Session } SENATE { REPORT No. 933

MENACHEM HERSZ KALISZ

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1439]

The Committee on the Judiciary, to which was referred the bill (H. R. 1439) for the relief of Menachem Herz Kalisz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Menachem Hersz Kalisz. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill also provides for the posting of a permanent surety bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native of Poland, now stateless, who last entered the United States on January 17, 1947, at which time he was admitted for permanent residence upon presentation of a nonquota immigration visa, issued to him as the unmarried child under 18 years of age accompanying his father. The record discloses that the beneficiary was over the age of 18 years when he made application for his visa, and therefore, the visa was improperly issued and invalid. The beneficiary resides with his parents who are legally resident aliens. He has a sister who he claims is a citizen of this country. The beneficiary was a patient at the Pinewood Mental Institution, Katonah, N. Y., for a period of 4 months in 1951, and asserts that his illness was of the nature of a nervous disorder. It is

stated that all indications point to the beneficiary's probable permanent recovery and satisfactory adjustment.

A letter, with attached memorandum, dated December 11, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 5324, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 11, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5324) for the relief of Menachem Hersz Kalisz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Poland.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MENACHEM HERSZ KALISZ, BENEFICIARY OF H. R. 5324

The beneficiary, Menachem Hersz Kalisz, also known as Menachem Hersz or Menachem Hersh Kalisz, single, a native of Poland, who now asserts that he is stateless, was born on December 26, 1926. His only arrival in the United States occurred at San Francisco, Calif., January 17 ,1947, at which time he was admitted for permanent residence upon presentation of a nonquota immigration visa, issued to him as the unmarried child under 18 years of age accompanying his rabbi father. The file discloses that the alien was over the age of 18 when he made his application for the visa. Accordingly, it was apparent that the visa was improperly issued and invalid, as was his admission into the United States. Deportation proceedings were instituted against him on Novemer 24, 1952. After a hearing held on December 30, 1952, the alien was found to be deportable from the United States on the ground that he was not a nonquota immigrant as specified in the visa of his immigration visa. He was granted the privilege of voluntary departure in lieu of deportation, and was given until May 22, 1953, in which to avail himself of the privilege.

The beneficiary resides at 5224 15th Avenue, Brooklyn, N. Y., with his parents who are legally resident aliens of the United States. He has a sister whom he claims is a citizen and resident of the United States. He stated that his education consists of 10 years of schooling in his native country, 1 year in Lithuania, 5½ years in Shanghai, China, and 1½ years in Brooklyn, N. Y. He claims that he spent the greater part of his education in studying the Talmud to prepare him for the rabbinate.

The beneficiary stated that he was a patient at the Pinewood Mental Institution, Katonah, N. Y. for a period of 4 months from May or June 1951, and asserts that his illness was of the nature of a nervous disorder. He claims that the bills insurred by his hospitalization were paid for by the New York Association for New Americans. He registered with his Selective Service Board and was classified IV–F for a mental disability. Since his arrival in the United States the beneficiary has not been gainfully employed. He stated that in 1952 he earned between $400 and $500 for typing translations. His assets consist of cash of between $500 and $600 and personal effects valued at $200.

In addition, the following letter, with attached memorandum, dated May 17, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization concerning the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1439) for the relief of Menachem Hersz Kalisz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Poland.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MENACHEM HERSZ KALISZ, BENEFICIARY OF H. R. 1439

The beneficiary, Menachem Hersz Kalisz, also known as Menachem Hersz or Menachem Hersh Kalisz, a native of Poland, was born December 26, 1926, at Otwock. He asserts that he is now stateless. He is unmarried and resides at 5224 15th Avenue, Brooklyn, N. Y., with his parents, who are legal residents of the United States. The beneficiary attended various schools here and abroad for a total of about 16 years in preparation for the rabbinate. He is self-employed in the typing of translations, and derives about $15 a week from this occupation. The beneficiary has about $500 in cash and his personal effects are valued at about $200. He has one sister, who is a resident citizen of the United States.

The beneficiary's only entry occurred at San Francisco, Calif., on January 17, 1947, at which time he was admitted for permanent residence upon presentation of a nonquota immigration visa, issued to him as a minor child accompanying his rabbi father. The file discloses that the alien was over 18 years of age when he made his application for the visa. Accordingly, it was apparent that the visa was improperly issued and invalid, as was his admission into the United States. Deportation proceedings were instituted against him on November 24, 1952. After a hearing on December 30, 1952, the beneficiary was found deportable on the ground that he was not a nonquota immigrant as specified in his immigration visa.

The beneficiary was admitted as a patient to the Pinewood Sanitarium, Katonah, N. Y., on June 4, 1951. He was found to be afflicted with a psychosis of a temporary nature. He was discharged on parole in his parents' care on September 30, 1951, with all indications pointing to his probable permanent recovery and satisfactory adjustment.

Private bill H. R. 5324, 83d Congress, was introduced in behalf of the beneficiary on May 20, 1953.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1439) should be enacted.

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Calendar No. 941

84TH CONGRESS, 1st Session | SENATE | REPORT No. 934

ROSA EDITH MANNS MONROE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1458]

The Committee on the Judiciary, to which was referred the bill (H. R. 1458) for the relief of Rosa Edith Manns Monroe, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has engaged in the practice of prostitution, in behalf of the wife of a United States citizen and honorably discharged veteran of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Germany who was married on March 6, 1954, to Thomas Albert Monroe, a citizen of the United States, who presently resides with the beneficiary in Germany with their daughter. The beneficiary has been denied a visa on the grounds that she had engaged in prostitution. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her citizen husband to the United States.

A letter, with attached memorandum, dated December 6, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9497, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., December 6, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9497) for the relief of Rosa Edith Manns Monroe, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Albany, N. Y., office of this Service, which has custody of those files.

The bill provides that the beneficiary may be admitted to the United States for permanent residence, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act which excludes from the United States aliens who have committed crimes involving moral turpitude, if she is found otherwise admissible under the provisions of that act.

It should be noted, that the bill as drawn does not specifically exempt the beneficiary from the excluding provisions of section 212 (a) (12) of the act with respect to aliens who have engaged in prostitution.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSA EDITH MANNS MONROE, BENEFICIARY OF H. R. 9497

Information concerning the case was obtained from Thomas Albert Monroe, the beneficiary's husband and the sponsor of this bill, who is presently residing at Manfred Von-Richthofen Strasse 22, Berlin-Tempelhof, Germany.

Rosa Edith Manns Monroe, a native and citizen of Germany, was born on June 5, 1925, at Friesenhutte, Grunberg, Silesia. The beneficiary marreid the sponsor on March 6, 1954, at Berlin-Tempelhof and presently resides with him and her daughter, Patricia Arlene Monroe. The beneficiary was refused a visa in June of 1953 and again in April of 1954 under section 212 (a) (12) of the Immigration and Nationality Act which provides that aliens who have engaged in prostitution shall be ineligible to receive visas. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The sponsor, Thomas Albert Monroe, a native and citizen of the United States, was born on February 19, 1932, at Monticello, N. Y. Prior to his Army service, he lived with his parents, Mr. and Mrs. Harry Monroe, who are self-employed as farmers at Jeffersonville, N. Y. He was employed as a clerk in a supermarket for several months in the latter part of 1950. He was inducted into the United States Army on January 17, 1951, and served until December 15, 1953, at which time he held the rank of sergeant. He is unemployed at this time and states that his income is varied but that in 1953 it was $1,893.63.

The Committee on the Judiciary of the House of Representatives received information from the Department of State confirming the charges pertaining to the beneficiary's being engaged in the practice of prostitution. The following letter was addressed to the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, Department of State, concerning the beneficiary of the bill:

DEPARTMENT OF STATE,
Washington, October 12, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. REED: Reference is made to previous correspondence concerning Mrs. Rosa Edith Manns Monroe, beneficiary of H. R. 9497, 83d Congress, 2d session.

The American consulate at Berlin, Germany, has reported that it appears from information contained in the archives of the Berlin Police Presidency that charges

were brought against Mrs. Monroe for alleged embezzlement, theft, and fraud, but that such charges were discontinued.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1458) should be enacted.

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Calendar No. 942

84TH CONGRESS, 1st Session | SENATE | REPORT No. 935

ANNA ANITA HILDEGARD SPARWASSER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1486]

The Committee on the Judiciary, to which was referred the bill (H. R. 1486) for the relief of Anna Anita Hildegard Sparwasser, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States of the fiance of a United States citizen member of our Armed Forces, so that she may marry her citizen fiance and thereafter remain in the United States. The bill also waives the excluding provision of law relating to one who has been convicted of a crime involving moral turpitude in behalf of the beneficiary.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old-native and citizen of Germany who presently resides in that country. She is engaged to marry Sgt. Thomas Roy Tallant, a citizen of the United States presently serving in the United States Air Force. Sergeant Tallant is the alleged father of the beneficiary's minor child The record discloses that the beneficiary was convicted of attempted abortion. Sergeant Tallant desires that the beneficiary enter the United States so that he may marry her and provide a home for his child.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7039, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7039) for the relief of Anna Anita Hildegard Sparwasser, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would provide that, notwithstanding the provisions of section 212 (a) (9), which exclude from admission aliens who have been convicted of a crime or crimes involving moral turpitude, Anna Anita Hildegard Sparwasser may be admitted to the United States for permanent residence if found to be otherwise admissible under the act: provided, that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNA ANITA HILDEGARD SPARWASSER, BENEFICIARY OF H. R. 7039

The following information has been furnished by Sgt. Thomas Roy Tallant concerning the beneficiary, Anna Anita Hildegard Sparwasser, a native and citizen of Germany. She was born in Frankfurt, Germany, on October 18, 1928, and she is single but has an illegitimate child who was born in Frankfurt, Germany, on November 8, 1950. The beneficiary wishes to enter the United States as a permanent resident and marry Sgt. Thomas Roy Tallant of the United States Air Force, the alleged father of her child. She is employed as a telephone operator for the United States Army General Hospital, Frankfurt, Germany, and makes 285 marks per month. Sergeant Tallant sends her $50 per month for the support of the child.

She has been denied an immigrant visa because of a conviction under paragraph 218 of the German Penal Code. She was not fined or imprisoned for this offense. The committee may desire to make inquiry of the Department of State in this connection. The beneficiary resides at Kranichsteiner Str. 19, Frankfurt, Germany, with her parents. She has never been married. She claims to have some cousins in the United States, names unknown. Sergeant Tallant states he does not know the beneficiary's educational background.

Sergeant Tallant is a citizen of the United States by birth in Emhouse, Tex., on October 26, 1927. He has been a member of the Air Force since 1945 and at the present time is stationed at Bryan, Tex. He has an income of $1,728 per year, and no other resources. He wishes to bring the beneficiary to the United States in order that he might marry her and provide a home for his child.

The Director of the Visa Office, Department of State, submitted the following report dated March 12, 1954, to the House committee:

DEPARTMENT OF STATE,
Washington, March 12, 1954.

The Honorable CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Miss Anna Anita Hildegard Sparwasser, beneficiary of H. R. 7039, 83d Congress, 2d session.

A communication has now been received from the American consulate general at Frankfurt, which reports that Miss Sparwasser was convicted by the district court at Frankfurt of attempted abortion in violation of paragraph 218 of the German Penal Code.

The crime of abortion has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted or or admit having committed a crime involving moral

turpitude. As a consequence, the responsible consular officer would have no choice under the law but to withhold the issuance of an immigrant visa to Miss Sparwasser.

At this time the Department has no knowledge of any factor in Miss Sparwasser's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Sparwasser from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1486) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 936

MRS. MARY PEROUZ DERDERIAN DONALDSON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1508]

The Committee on the Judiciary, to which was referred the bill (H. R. 1508) for the relief of Mrs. Mary Perouz Derderian Donaldson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Mary Perouz Derderian Donaldson. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Syria, who entered the United States on June 17, 1947, under Public Law 471, for the purpose of marrying a United States citizen war veteran. She did not marry him, but subsequently married another serviceman. This marriage was annulled on the ground that she refused to consummate the marriage. On December 19, 1951, the beneficiary married a citizen of the United States and they have one citizen child, and the beneficiary is now expecting another child. The beneficiary was convicted of obtaining money by false pretenses and forgery and counterfeiting and sentenced to 18 months' imprisonment. She was released from confinement on May 26, 1950, and has received a pardon from the Governor of the State of Wisconsin. The beneficiary's husband served honorably in the United States Navy.

A letter, with attached memorandum, dated November 30, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 3466, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 30, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3466) for the relief of Mary Perouz Derderian Donaldson, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon the payment of the required visa fee and head tax. It should be noted that the Immigration and Nationality Act does not require the payment of head tax. The bill would also direct that one number be deducted from the appropriate immigration quota, although the alien appears to be entitled to nonquota status on the basis of her marriage to a United States citizen.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARY PEROUZ DERDERIAN DONALDSON, BENEFICIARY OF H. R. 3466

Mrs. Mary Perouz Derderian Donaldson, is a native and citizen of Syria, who was born February 8, 1929. She first entered the United States at Detroit, June 17, 1947, and was admitted under Public Law 471 for the purpose of marrying a United States war veteran Sanag Vartanian. She did not marry him, but on September 21, 1947, she married another serviceman. Subsequently that marriage was annulled on action brought by her husband, on the ground that she refused to consummate the marriage. She is now residing at 309 West 27th Street, Norfolk, Va.

Deportation proceedings were instituted in March 1951, on the ground that the alien failed to fulfill her promise of a martial agreement made to procure the adjustment of her immigration status to that of an immigrant, and further, that she had been convicted within 5 years of her entry into the United States on a charge of obtaining money by false pretenses and forgery and counterfeiting. For this offense she was sentenced to 18 months' imprisonment in Racine, Wis. Deportation was stayed after the alien had been granted an absolute pardon by the Governor of Wisconsin in July 1952 for the crime for which she had been convicted. She was granted the privilege of voluntary departure on February 17, 1953.

The alien married a native-born United States citizen on December 19, 1951. She has 1 child, age 1 year, born in the United States. The man whom she first married, Henry Gengozian, of Racine, Wis., testified on July 1952 that immediately following the marriage which was later annulled, the subject refused to consummate same. The court in its findings annulling the marriage held that the alien had married solely for the purpose of avoiding deportation. Two of the alien's former employers in Racine, Wis., testified that she is untrustworthy.

Bill H. R. 1509 was introduced in the 83d Congress to provide for the payment of $500 to Sanag Vartanian as he had forfeited a bond in that amount by reason of subject's failure to marry him upon her arrival in the United States.

Congressman William K. Van Pelt, the author of the bill, wrote to the chairman of the Senate Committee on the Judiciary on June 28, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 28, 1955.

Re H. R. 1508, a bill for the relief of Mrs. Mary Perouz Derderian Donaldson

Hon. HARLEY M. KILGORE,
United States Senator,
Chairman, Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: This is to advise you of my continued interest in the above-listed bill of which I am the author. This bill was approved by the House Committee on the Judiciary and passed by the House of Representatives on May 17, 1955. The bill is pending before your committee but I understand that it is being held up in the absence of certain pertinent information.

First, I wish to call your attention to the fact that Mrs. Donaldson is not a resident of the congressional district which I represent, nor is her husband. This couple came to me in December of 1953, deeply agitated because the Bureau of Immigration and Naturalization had advised them that Mrs. Donaldson was to be deported to her native Syria. She was pregnant at the time, and deportation would have resulted in the birth of a child of an American citizen in a foreign land. I was impressed by the plight of this young couple and at that time felt that it would be inhuman on my part not to offer them some assistance. They were unable to turn to any other Member of Congress, and I introduced private bill H. R. 8353 to stay the deportation proceedings until after the birth of the child.

Some delay in processing this bill resulted when it became necessary to secure a pardon from the Governor of Wisconsin for Mrs. Donaldson, who had become involved in some misdemeanor while residing in Racine, Wis. The investigation conducted by Governor Kohler at my request disclosed that Mrs. Donaldson had entered the United States June 17, 1947, with the permission of the United States Government for the purpose of marrying a World War II veteran. This veteran it developed, was a distant relative and she refused to marry this man. When it became apparent that she would be deported, she married another veteran and left him an hour after the wedding. This marriage was annulled February 10, 1948; she continued to reside in Racine until her conviction of passing a forged check and was sentenced to a term in the State industrial home in Taycheedah, Wis.

Upon her release from the institution on May 26, 1950, she moved to New York where she married Charles Donaldson on December 15, 1951.

The 83d Congress failed to act upon my private bill, and in January of 1955, I introduced H. R. 1508, as Mrs. Donaldson was again pregnant and unable to leave the country with safety to herself and her child. Although Mrs. Donaldson is now eligible for preexamination, Mr. Donaldson appeared personally before the House Judiciary Subcommittee on Immigration and testified that it would result in financial hardship if he were required to transport Mrs. Donaldson to Canada for the purpose of securing her visa.

Mr. Donaldson has impressed me as a sincere and industrious young man. He served his country in the Navy and convinced me that Mrs. Donaldson is a good citizen and an excellent mother and housewife.

I hope that this information will enable your committee to report H. R. 1508 favorably for action in the Senate at this session.

Sincerely,

WILLIAM K. VAN PELT,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1508) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 937

ROGERIO SANTANA DE FRANCA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1537]

The Committee on the Judiciary, to which was referred the bill (H. R. 1537) for the relief of Rogerio Santana de Franca, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rogerio Santana de Franca. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary presented a preference quota visa as the unmarried minor son of a lawfully resident alien when he was admitted to the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of Portugal, who last entered the United States on May 1, 1953, as a returning lawful resident alien. He first entered the United States for permanent residence on November 28, 1951, with a preference quota visa as the unmarried minor son of a lawfully resident alien. It was subsequently developed that the beneficiary was married in Portugal on October 23, 1951, to a native and citizen of Portugal, and was not, therefore, entitled to the preference quota visa as the minor unmarried son of a lawfully resident alien. It appears that prior to November 25, 1951, he had completed an application for a visa and subsequently became ill. The illness prevented issuance of the visa and a reapplication was made. Between the dates of the original

application and the one of November 25, the beneficiary was married. The beneficiary states that he was not aware of the fact that his marriage would be an impediment to the issuance of his visa and further states that the application of November 25, 1951, was copied from the original. The mother of the beneficiary is a lawfully resident alien, and he has 4 brothers, 3 of whom are United States citizens and the other is a lawfully resident alien.

A letter, with attached memorandum, dated April 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7732, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

APRIL 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7732) for the relief of Rogerio Santana de Franca, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota; however, the alien was charged to the appropriate quota upon his entry to the United States as an immigrant on November 28, 1951, at which time he paid the required visa fee.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROGERIO SANTANA DE FRANCA, BENEFICIARY OF H. R. 7732.

The beneficiary, Rogerio Santana de Franca, who is married, is a native and citizen of Portugal, born on February 25, 1933. His last foreign residence was Portugal. He was first admitted to the United States for permanent residence on November 28, 1951, at the port of Boston, Mass., under a preference within the quota as the unmarried minor son of his mother, an alien lawfully admitted to the United States for permanent residence. He last entered the United States on May 1, 1953, at the port of San Ysidro, Calif., as a returning lawful resident of the United States.

Subsequently, it was established that the beneficiary married in Portugal on October 23, 1951, Mary Correira Nunes, a native, resident, and citizen of Portugal, and was therefore not entitled to the preference quota visa which he obtained at the United States consulate at Lisbon, Portugal, on November 26, 1951, on the basis of his sworn statement in his visa application of the same date that he was the unmarried minor son of an alien lawfully admitted to the United States for permanent residence.

On July 16, 1953, deportation proceedings were instituted against him and on October 19, 1953, after a hearing, he was ordered deported from the United States on the grounds that, at the time of his last entry, he was excludable from the United States as an alien not in possession of a valid immigrant visa or other valid document entitling him to enter the United States. An appeal from that order was dismissed by the Board of Immigration Appeals on December 16, 1953. On January 5, 1954, a warrant for his deportation was issued. He is presently at liberty under a $1,000 bond.

The alien has testified that he attended public school in Portugal for 6 years and attended a barber school in that country for 6 months. Thereafter he worked as a barber in Portugal for 4 years. He has been employed in the United States as a fisherman. He has testified further that his wife is residing in Portugal; that he sends her $15 a month and that he also contributes to the support of his mother with whom he resides at 3146 Garrison, San Diego, Calif.

Mr. de Franca has 4 brothers residing in the United States, 3 of whom are United States citizens. His father is deceased. His assets total approximately $500 in cash.

Congressman Bob Wilson, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. De Franca was born on February 25, 1933, in Portugal and obtained a visa on November 25, 1951, arriving in this country on November 28, 1951. He was issued a preference visa as an unmarried minor child.

He had, prior to November 25, 1951, completed an application for a visa and subsequently became ill. This illness prevented issuance of the visa on this application and as a result, a reapplication was made. It appears that in between the dates of the original application and the one of November 25, he became married and further, was not aware of the fact that marriage might be an impediment to his acquisition of a visa and further contends that the application of November 25 was copied from the original application. The date of the original application was October 1950. He, thus, technically, by signing the application in November 1951, made a material misrepresentation of fact. This, however, is only a technicality because he alleges that because the application was copied, he was not aware of the nature of the document which he was signing other than that it was an application for visa.

He lives with his mother who has applied for naturalization papers in San Diego, Calif., and he has 4 brothers, 3 of whom are citizens of this country and the other has taken out papers for naturalization.

In view of the fact that his entire family reside in this country, and all are either citizens or becoming citizens and further because of his failure to understand the nature and contents of the document which he signed, it would appear that the best interest of equity and justice would be served if permanent residence were granted to him.

In addition, Congressman Wilson submitted the following affidavit in support of the bill:

AFFIDAVIT

STATE OF CALIFORNIA,
County of San Diego, ss:

Rogerio Santana de Franca, being first duly sworn, deposes and says:

That he is 20 years of age; that he was born in Madeira Islands, Portugal, on February 25, 1933, and that he now resides at 3146 Garrison Street, San Diego, Calif.

That he entered the United States for permanent residence at Boston, Mass., on November 28, 1951, with visa No. 289, issued under section 6 (A) (2) of the Immigration Act of 1924. That he has resided in the United States since that time and that on or about May 1, 1953, he departed temporarily to Tijuana, Mexico, and returned with his alien registration receipt card No. A8154333.

That prior to obtaining the above visa affiant has made application for an immigrant visa on or about October 1950, and at the time of the prior application your affiant was single and was an unmarried minor child and entitled to the visa applied for. That at the time he completed the entire application for the visa. After the application was completed your affiant became ill and returned home. He did not think it would harm him to get married, and he had been told to get married before he left. He returned to the consulate, and they took the information off his old application and all he had to do was to sign it and furnish a certificate for the criminal record.

That the names and addresses of his nearest relatives in the United States are as follows:

Name	Address	Relationship	Citizen of—
Mary Santano de Franca.	3146 Garrison St. (rear), San Diego 6, Calif.	Mother	Portugal; permanent resident of United States.
John F. Nunes	15 Myrtle St., Medford, Mass	Brother	United States.
Manuel F. Nunes	58 Dobuty Ave., Somerset, Mass	do	Do.
Morris F. Nunes	3207 Jarvis, San Diego 6, Calif	do	Do.
Domingos Santano de Franca.	3146 Garrison (rear), San Diego 6, Calif.	do	Portugal.

ROGERIO SANTANA DE FRANCA.

Subscribed and sworn to before me this 4th day of February 1954.

[SEAL] MARGARET N. CHAPMAN,
Notary Public in and for Said County and State.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1537) should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 938

FRANK BUDMAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1668]

The Committee on the Judiciary, to which was referred the bill (H. R. 1668) for the relief of Frank Budman, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of Frank Budman.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Canada, who first entered the United States on October 17, 1923, and resided here until December 1930, at which time he departed to Canada. He again entered the United States in August 1932 and resided here until March 25, 1938. On October 25, 1937, the beneficiary was convicted of subornation of perjury in connection with his filing of a petition for naturalization, and was sentenced to serve 6 months. After serving 5 months of this sentence, he was deported to Canada. Since his deportation, the beneficiary has been permitted to enter this country on several occasions as a temporary visitor. The beneficiary is married to a native and citizen of Canada and they have a 6-year-old adopted son. The beneficiary's mother, 3 sisters, and 3 brothers are presently residing in the United States. Without the waiver provided for in the bill, the beneficiary will be unable to qualify for a visa to enter the United States.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natural-

ization with reference to H. R. 7719, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7719) for the relief of Frank Budman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act, and would hold that the beneficiary could be admitted to the United States for permanent residence if found to be otherwise admissible under that act. The bill does not specifically limit the applicability of the exemption to grounds for exclusion of which the Department of Justice or the Department of State has knowledge prior to the time of the enactment of the bill.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANK BUDMAN, BENEFICIARY OF H. R. 7719

The beneficiary, Frank Budman (also known as Joseph Golden), is a native and citizen of Canada, born on July 15, 1911. He is presently residing in Canada. He first entered the United States at Port Huron, Mich., on October 17, 1923. He resided in the United States from October 17, 1923, until December 1930 at which time he departed to Canada. He again entered the United States at Detroit, Mich., in August 1932 and resided in this country until March 25, 1938. On October 25, 1937, he was convicted in the United States district court at Detroit, Mich., of subornation of perjury in connection with his filing of a petition for naturalization. As a result of this conviction, he was sentenced to serve 6 months in the Federal penal institution at Milan, Mich. After serving 5 months of this sentence, he was deported to Canada on March 25, 1938. Since his deportation, he has applied on several occasions for permission to reapply for admission to the United States. In each instance, his application was denied. The beneficiary has been permitted to enter the United States on several occasions as a temporary visitor, the last such entry being on April 19, 1954, at Detroit, Mich.

The beneficiary obtained his primary education in Canada and Chicago, Ill., graduating from high school in the last-named place. From 1942 to 1945 he attended night school in Toronto, Canada. From 1945 to 1954 he owned and operated a metal fabricating company in Toronto, Canada. He sold this concern on January 28, 1954, and is presently employed as a welder by the present owner. According to testimony given by the beneficiary in Toronto, Canada, on May 10, 1954, he has assets which total approximately $15,000. The beneficiary was married to Edith Budman, nee Golding, on June 26, 1932. They have a legally adopted son, David, age 6 years. Both the wife and child are natives and citizens of Canada and both reside with the beneficiary in Toronto, Canada. The beneficiary's father is deceased. His mother, 3 sisters, and 3 brothers are presently residing in the United States.

The sponsor of the bill is Max Richman of Lakewood, Calif., who is the beneficiary's brother-in-law. He is a native of Canada and a citizen of the United States by naturalization. He is 33 years of age, married and has 1 child. He is presently employed as a spotter in a dry-cleaning establishment in North Long Beach, Calif. Investigation disclosed that he was convicted in the United States district court at Los Angeles, Calif., in 1950 for fraud in connection with the Servicemen's Readjustment Allowance Act of 1944. As a result of this conviction, he was fined a total of $500 and ordered to make restitution.

The Director of the Visa Office, Department of State, submitted the following report to the Committee on the Judiciary of the House of Representatives with reference to the case:

DEPARTMENT OF STATE,
Washington, February 19, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Reference is made to your letter of February 9, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. Frank Budman, beneficiary of H. R. 7719, 83d Congress, 2d session.

According to the Department's records Mr. Budman was convicted of and admitted the commission of the crime of subornation of perjury in 1937 in violation of section 232, title 18, United States Code. It also appears that he made false statements in his petition for naturalization filed at Detroit, Mich., in 1937.

The crime of subornation of perjury has been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, as amended, and is also considered to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act which repealed the act of February 5, 1917, and certain other immigration laws. The section last cited renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed a crime involving, moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to withhold the issuance of an immigrant visa to Mr. Budman.

At this time the Department has no knowledge of any factor in Mr. Budman's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Budman from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman Craig Hosmer, the author of the bill, submitted the letters in support of the bill:

TORONTO, ONTARIO, *July 28, 1954.*

To Whom It May Concern:

This is to certify that Frank Budman has been a neighbor of mine for several years, during which time I have always found him to be hard working and an honest and upright citizen.

I would have no hesitation in recommending him to any job or position for which he may apply. If any other references are required, I would be glad to furnish them.

Yours very truly,

GEORGE R. DALY.

DOMINION CABLE AND AUTOMOTIVE PRODUCTS,
Toronto, Ontario, July 27, 1954.

To Whom It May Concern:

We have had work done for us by Mr. Frank Budman, for the past several years, and have always found him to be honest, reliable, and trustworthy in every respect.

We feel certain that he can be an asset to any firm that he would be associated with.

Yours very truly,

DOMINION CABLE & AUTOMOTIVE PRODUCTS,
G. JACOBSON.

LINCOLN ELECTRIC COMPANY OF CANADA, LTD.,
Leaside (Toronto 17), July 27, 1954.

To Whom It May Concern:

I have known Mr. Frank Budman for many years and can recommend him, as a reliable, trustworthy, and industrious person.

He is a person of high integrity and his character is beyond reproach.

If any additional information is desired, I shall be pleased to supply it.

Yours sincerely,

M. N. VUCHNICH, *President.*

DOMINION LUGGAGE CO., LTD.,
Toronto 4, Canada.

To Whom It May Concern:

We have known Mr. Frank Budman of 745 Woburn Avenue, Toronto, for approximately 5 years and have no hesitancy in recommending him for his sincerity, capability, and trustworthiness.

Yours truly,

JACK SLAN.

DOMINION BRIDGE CO., LTD.,
Toronto, Ontario, July 28, 1954.

Re Mr. Frank Budman.

To Whom It May Concern:

This is to advise those interested that we have known Mr. Budman for approximately 10 years in both a business and a personal way, and we have no hesitation in recommending him as to character and as a welding specialist.

Should you at any time require further information, we will be pleased to furnish same on your request.

Yours very truly,

ED. CARTER,
Manager, Warehouse Division.

SUPPLY LUGGAGE CO., LTD.,
Toronto 3, July 26, 1954.

To Whom It May Concern:

We have known Mr. Frank Budman for the past 5 years and found him to be very honest and upstanding in our business dealings; he would go out of his way to make some of our special jobs a pleasure to collaborate on and found his character of the highest caliber.

Yours truly,

B. SHOUSTINE.
H. S. MELHE.
PETER COLLINS.

C. A. DUNHAM CO., LTD.,
Toronto, Ontario, July 27, 1954.

To Whom It May Concern:

I have known Mr. Frank Budman since 1942. Our firm has enjoyed doing business with Budman Welding Specialty for several years. Mr. Budman operated this concern until the business was sold to other interests in January 1954.

During our business relations, I came to know Mr. Budman as a fine gentleman. He has proved fair and honest in all his dealings with us. I personally feel that he carries with him an unusual amount of integrity.

Yours very truly,

C. A. DUNHAM CO., LTD.,
F. T. ANSELL, *Purchasing Agent.*

COULTER COPPER & BRASS CO., LTD.,
Toronto 2, Ontario, July 29, 1954.

To Whom It May Concern:

The writer has known Mr. Frank Budman throughout the past 6 to 7 years, and has always found him to be reliable and of good character. We initially met while both were serving on committees in connection with the Canadian Welding Society; both of us were taking an active part in the original operations of this society in the Toronto district.

Since the time of our mutual interest in the Canadian Welding Society, the writer has had periodic business contacts with Mr. Frank Budman and at all times found him to be fair and equitable in his business dealings.

Yours very truly,

WARREN COULTER, *Vice President.*

CERTIFIED AUTOMOTIVE REPLACEMENTS,
Toronto, Ontario, July 26, 1954.

To Whom It May Concern:

This is to advise that the writer has known Mr. Frank Budman for 10 years, and I will vouch for his integrity and character.

Not only have we been associated on a personal basis, but also in business, and in both cases Mr. Budman has proved himself a very reliable person.

Yours very truly,

JACK F. HERNICK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1668) should be enacted.

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Calendar No. 946

84TH CONGRESS, 1st Session | SENATE | REPORT No 939

ANNE CHENG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1698]

The Committee on the Judiciary, to which was referred the bill (H. R. 1698) for the relief of Anne Cheng, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Anne Cheng. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 64-year-old native of Australia and citizen of Great Britain of Chinese origin, who last entered the United States on October 31, 1951, as a visitor. The beneficiary made several other visits to the United States during 1916, 1924, and 1947. The beneficiary resides with her son, who is a United States citizen and veteran of World War II. In addition, the beneficiary has a sister who is a permanent resident of the United States. The beneficiary is married and her husband resides in Hong Kong, where he teaches in a high school. It is stated that he does not have the means to maintain a household.

A letter, with attached memorandum, dated July 6, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8429, which was a bill introduced in

the 83d Congress for the relief of the same beneficiary, reads as follows:

JULY 6, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8429) for the relief of Anne Cheng, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

——— ———, *Commissioner*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNE CHENG, BENEFICIARY OF H. R. 8429

The beneficiary, Anne Cheng, nee Anne Quin Sing, also known as Anne Wei, a native of Australia and citizen of Great Britain, was born March 6, 1891. She entered the United States October 31, 1951, as a vistor for a period of 6 months. She has received several extensions of her temporary stay, the last to May 31, 1954. The beneficiary has made several other visits to the United States during 1916, 1924, and 1947. She has been married twice. Her first marriage terminated with the death of her husband. Of her first marriage, she has one son, Mark Wei, born in China on December 19, 1917. The beneficiary married in China in 1935 and her second husband is presently residing in Hong Kong.

Since her arrival in the United States, Mrs. Cheng has been residing in New York, N. Y., with her son, Mark Wei, who is an American citizen and a veteran of World War II. She has no income in the United States and is being supported by her son.

Mrs. Cheng's assets in the United States consist of personal effects valued at approximately $2,000. She is the coowner of real estate property in China worth approximately $1,500.

In addition to her son, Mrs. Cheng also has a sister who is a permanent resident of the United States. Her husband, a sister, and two brothers are presently residing in China.

She attended elementary and high school in Hong Kong, China, for a period of 16 years.

Congressmen Errett P. Scrivner, the author of the bill, submitted the following statement in support of the bill:

FOR FILE OF ANNE CHENG

Husband (second marriage): Hubert Cheng, Chinese citizen.

Worked for the Department of Railways (Nationalist Government) for about 15 years. Resigned in 1936.

When the Japanese occupied Hong Kong in December 1941, he was caught there with his wife, Anne Cheng. They later made their way to Chungking and lived there until after VJ-day at which time they returned to Hong Kong. Hubert Cheng tried various business adventures in Hong Kong but did not meet with success in any. He has been residing in Hong Kong since 1945 and has made no trip to the mainland of China.

At present he is teaching part time in a high school in Hong Kong. While so employed he can live in the school. His income is nominal and he is in no position to support a wife or family. Should Anne Cheng return to Hong Kong he will have to maintain a household and he does not have the means to do so.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1698) should be enacted.

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Calendar No. 947

84TH CONGRESS, 1st Session | SENATE | REPORT No. 940

CHARLOTTE SCHWALM

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1911]

The Committee on the Judiciary, to which was referred the bill (H. R. 1911) for the relief of Charlotte Schwalm, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Charlotte Schwalm. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 39-year-old native and citizen of Germany who last entered the United States on November 18, 1948, under bond for medical treatment. Prior to her arrival, her admittance had been authorized by the Board of Immigration Appeals under the ninth proviso of section 3 of the act of 1917. This advance exercise of discretionary power was sought in view of the Department of State's refusal to grant a visa in 1940 to the beneficiary because of a possible mental deficiency. The beneficiary has a brother and three sisters who are citizens of the United States and is entirely dependent upon them for support.

A letter, with attached memorandum, dated October 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturali-

zation with reference to H. R. 7932, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7932) for the relief of Charlotte Schwalm, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. It should be noted that the beneficiary was admitted to the United States as a temporary visitor for the purpose of receiving medical treatment. It is suggested that the committee might wish to consider the possibility of inserting an additional requirement in the bill which would require the posting of a suitable bond or undertaking in accordance with the provisions of section 213 of the Immigration and Nationality Act.

The beneficiary is chargeable to the quota of Germany.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHARLOTTE SCHWALM, BENEFICIARY OF H. R. 7932

Charlotte Schwalm is a native and citizen of Germany, born June 21, 1916, at Marburg, Germany. Prior to her only arrival on November 18, 1948, at New York, N. Y. her admittance had been authorized by the Board of Immigration Appeals under the ninth proviso of section 3 of the act of 1917. The advance exercise of this discretionary power was sought in view of the Department of State refusal to grant a visa in 1940 to the beneficiary because of a possible mental deficiency. The beneficiary was admitted for a 6-month period under a $1,000 departure bond for medical treatment.

Miss Schwalm was granted three extensions of stay, the last expiring on February 8, 1952. Subsequent extensions of stay were denied. She was, however granted until April 15, 1954, to depart. She has declined to leave the United States.

Miss Schwalm is unmarried. Miss Schwalm has a brother and three sisters who are citizens of the United States. Her mother and father are deceased. The beneficiary's education consists of approximately 6 years of elementary school. The beneficiary has resided with her brother Carl Schwalm, her sisters Ilse Braun and Irene Blunhof, intermittently at Vineland, N. J., Washingtonville, N. Y., and at North Bergen, N. J., respectively, since her arrival in the United States. Miss Schwalm has no assets either in the United States or in Germany. She is entirely dependent upon her brother and sisters for support.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1911) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 941

RALPH MICHAEL OWENS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1927]

The Committee on the Judiciary, to which was referred the bill (H. R. 1927) for the relief of Ralph Michael Owens, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Ralph Michael Owens. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary was born in South America and is therefore entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 2-year-old native and citizen of Paraguay, who entered the United States on May 2, 1953, as a visitor to receive medical treatment. The beneficiary was adopted on November 27, 1952, in Paraguay, by Capt. and Mrs. David Owens when Captain Owens was on duty with the United States Air Force mission to Paraguay. The beneficiary has been under treatment for a congenital stricture of the esophagus, but it is stated that he is much improved. The adoptive father is presently stationed at Andrews Air Force Base.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natural-

ization with reference to H. R. 7578, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

JUNE 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7578) for the relief of Ralph Michael Owens, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C. office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee.

As a native of Paraguay, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RALPH MICHAEL OWENS, BENEFICIARY OF H. R. 7578

The beneficiary, Ralph Michael Owens, was born in Asunción, Paraguay, October 24, 1952, under the name Rafael Miguel Azuaga. He entered the United States as a temporary visitor at Mobile, Ala., May 2, 1953. He was granted extensions of stay to February 23, 1954.

The beneficiary was adopted at Asunción, Paraguay, November 27, 1952, by Capt. and Mrs. David Owens. Captain Owens is on duty with the United States Air Force mission to Paraguay. The child was taken to the United States in an emergency due to his illness. He has been undergoing treatment at Walter Reed Hospital in Washington, D. C. It has been stated that it would endanger his life to leave the hospital.

Captain Owens was born in Princeton, W. Va., on May 17, 1920. He has been on active duty with the United States Air Force from April 1942 to July 1946, and from October 1949 to date. Mrs. Owens was born in Charleston, W. Va., on May 31, 1924. They were married on January 8, 1945. They have a son born in Washington, D. C., on July 31, 1953.

Captain and Mrs. Owens have real estate valued at approximately $3,000, and personal property valued at about $6,000. Captain Owens has an income of approximately $800 per month. He has been the sole support of the beneficiary since the adoption on October 24, 1952.

The Director of the Visa Office, Department of State, submitted the following report dated February 18, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, February 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Reference is made to your letter of February 3, 1954, with its enclosures wherein you requested a report on the facts of the case of Ralph Michael Owens, beneficiary of H. R. 7578, 83d Congress, 2d session. Reference is also made to the Department's interim reply of February 4, 1954.

The Department has on file a communication from the American Embassy at Asunción, which reports in substance as follows:

> Capt. David J. Owens informed the Embassy of his intention to adopt the child in question and inquired as to the requirements of the immigration laws. He was given the information which he had requested, but he did not apply for an immigrant visa for the child at that time, as it was expected that the child would remain in Paraguay until the termination of Captain Owens' assignment in that country.
>
> The child was suddenly seized by a serious illness which made immediate medical treatment imperative. On the advice of his doctor Captain Owens wished to rush the child to the United States for the required treatment.

Because of the need for immediate travel Captain Owens did not have time to secure the documents required by the immigration laws for an immigrant visa. Therefore in view of the emergency, Captain Ownes applied for, and the child was given, a nonimmigrant visa.

In the light of the information presently available to the Department no objection is perceived to the enactment of the proposed bill.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Representative Elizabeth Kee, the author of the bill, submitted the following statement in support of the bill:

STATEMENT OF HON. ELIZABETH KEE BEFORE THE IMMIGRATION SUBCOMMITTEE ON H. R. 1927 IN BEHALF OF RALPH MICHAEL OWENS

Mr. Chairman and members of the subcommittee, thank you for giving me this opportunity to appear before you in behalf of Ralph Michael Owens, the adopted son of Maj. and Mrs. David J. Ownes, who are at present living at 1778 41st Place SE, Washington 20, D. C.

You have before you H. R. 1927 which I introduced on January 10, 1955, to give the status of permanent resident to this child. This bill replaced H. R. 7578 which I had introduced in the 83d Congresss.

Major Owens was born in my congressional district, Princeton, W. Va., on May 17, 1920, and his wife was born in Charleston, W. Va. The child was adopted by them at Asunción, Paraguay, on November 27, 1952, while Major Owens (then Captain Owens) was on duty with the United States Air Force mission to Paraguay. The child was born in Asunción, Paraguay, on October 24, 1952, under the name Rafael Miguel Azuaga.

A few months after his adoption, the child became very ill, and it was necessary for Major and Mrs. Owens to bring him to the United States, to Walter Reed Hospital for emergency treatment. There was no time for them to obtain the documents required by the American consul for an immigrant visa for the child. so he entered the United States as a visitor at Mobile, Ala., on May 2, 1953. He has lived in the United States continuously since that time, most of the time in Walter Reed Hospital. Mrs. Owens tells me that the child is now greatly improved, and I am attaching a statement from his doctor attesting to his improvement.

Since September 1954 Major Owens has been stationed at Andrews Air Force Base. However, in view of the nature of his work, which is ground training officer, and our commitments to our allies, which might require his reassignment overseas within a short time, it is not at all certain that he will remain in the United States very long. For this reason, he and Mrs. Owens are most anxious that their adopted son begin the period of residence required in order for him to become an American citizen.

I am very sympathetic with Major and Mrs. Owens in their desire to have their adopted son given the great privilege of American citizenship at the earliest possible time, and I join with them in the fervent hope that you, Mr. Chairman, and the other distinguished members of your subcommittee may look with favor upon my bill.

WALTER REED ARMY HOSPITAL,
Washington 12, D. C., May 23, 1955.

Subject: Ralph Michael Owens, dependent of Maj. David J. Owens, USAF, serial No. AO678317.

To Whomever It May Concern:

This is to certify that baby Ralph Michael Owens has been under treatment for a congenital stricture of the esophagus since birth. This child has had surgery on the stomach to afford food passageway and now must have repeated dilatations of the esophagus in order to maintain adequate food passageway from the mouth to the stomach. The nature of the disease is such that this child will probably require frequent dilatations of the strictured area of the

esophagus until he reaches adult life. At the present time this child is well developed and well nourished and appears generally well.

FRANKLIN L. SPANN,
Lieutenant Colonel, Medical Corps,
Chief, Otolaryngology Service.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1927) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 942

KIMIE HAYASHI CRANDALL

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1987]

The Committee on the Judiciary, to which was referred the bill (H. R. 1987) for the relief of Kimie Hayashi Crandall, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kimie Hayashi Crandall. The bill provides for the payment of the required visa fee and for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status as the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Japan who last entered the United States on May 3, 1952, under a parole order. At the time of her application for admission the beneficiary was excluded having been certified by the Public Health Service as being afflicted with pulmonary tuberculosis. After her entry, the beneficiary was admitted to the Missouri State Hospital for Tuberculosis and was discharged on September 4, 1953, as a case arrested for 6 months. She was again examined on July 17, 1954, and was found to still have an arrested case. The beneficiary is married to Ralph B. Crandall, a citizen of the United States. He was a member of the United States Air Force for 4 years and is presently employed part time while attending college under the GI bill.

A letter, with attached memorandum, dated October 27, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 5843, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

OCTOBER 27, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5843) for the relief of Kimie Hayashi Crandall, there is annexed a memorandum of information, from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that a number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIMIE HAYASHI CRANDALL, BENEFICIARY OF H. R. 5843

The alien, Kimie Hayashi Crandall, was born November 15, 1929, in Tokyo, Japan. She last entered the United States on May 3, 1952, at San Francisco Calif. At the time of her application for admission the beneficiary was ordered excluded from admission by a board of special inquiry. However, she was paroled into the United States pending the outcome of her appeal. She was found inadmissible to the United States on the grounds that she was an immigrant not in possession of a valid immigrant visa. At the time of her admission she was certified by the Public Health Service as being afflicted with pulmonary fibrosis. However, shortly after her arrival she became ill and her case was diagnosed as pulmonary tuberculosis. On October 17, 1952, the Board of Immigration Appeals dismissed the appeal of the beneficiary. On November 5, 1952, the Board of Immigration Appeals directed that the field office reopen the hearing in the light of the information that the beneficiary was afflicted with tuberculosis. On June 11, 1953, a reopened hearing was held and she was ordered excluded on the grounds that she is an immigrant not in possession of a valid immigrant visa and that she is inadmissible on the ground that she is an alien afflicted with tuberculosis.

The beneficiary is presently under treatment in the Missouri State Hospital at Mount Vernon, Mo. She is married to Ralph Boyd Crandall, Jr., a native-born citizen of the United States. Mr. Crandall was in the United States Air Force for 4 years and was honorably discharged on August 14, 1952. He is presently employed by an architect in Webb City, Mo., and is attending school under the GI bill of rights to be a mechanical engineer.

The medical authorities of the Missouri State Sanitorium have indicated that, barring unforseen complications, she may be certified as an arrested case of tuberculosis by October of this year.

In addition, the following letter, with attached memorandum, dated June 2, 1955, from the Commissioner of Immigration and Naturalization was addressed to the Committee on the Judiciary of the House of Representatives:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1987) for the relief of Kimie Hayashi Crandall, there is attached a memorandum of information concerning the bene-

ficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIMIE HAYASHI CRANDALL, BENEFICIARY OF H. R. 1987

The beneficiary, Kimie Hayashi Crandall, was born November 15, 1929, in Tokyo, Japan, and is a citizen of that country. She was married on February 18, 1951, in Japan, to Ralph B. Crandall, Jr., and is presently residing with her husband at Norman, Okla. She completed the equivalent of high school in Japan and has never been employed. She has no property or other assets, and has no income other than her support from her husband. Her parents are residing in Japan. From birth until her entry into the United States in 1952, she resided in Japan.

The beneficiary entered the United States on May 3, 1952, at San Francisco, Calif. At the time of her application for admission she was ordered excluded from admission by a board of special inquiry. However, she was paroled into the United States pending the outcome of her appeal. She was found inadmissible to the United States on the grounds that she was an immigrant not in possession of a valid immigrant visa. At the time of her admission she was certified by the Public Health Service as being afflicted with pulmonary fibrosis. However, shortly after her arrival she became ill and her case was diagnosed as pulmonary tuberculosis. On November 5, 1952, the Board of Immigration Appeals directed that the field office reopen the hearing in the light of the information that she was afflicted with tuberculosis. On June 11, 1953, a reopened hearing was held and she was ordered excluded on the grounds that she is an immigrant not in possession of a valid immigrant visa and that she is inadmissible on the ground that she is an alien afflicted with tuberculosis.

Soon after her entry into the United States, the beneficiary was admitted to the Missouri State Hospital for Tuberculosis at Mount Vernon, Mo. She remained in this hospital until September 4, 1953, when she was discharged with a diagnosis of pulmonary tuberculosis, moderately advanced, arrested for 6 months. She returned to the hospital for rexamination on July 17, 1954, and at that time was found to still have an arrested case of pulmonary tuberculosis. She claims that she never belonged to any political organizations in Japan, and that she had never been arrested.

Ralph B. Crandall, the husband of the beneficiary, is a citizen of the United States by birth at Neosho, Mo., on September 19, 1930. He was a member of the United States Air Force for 4 years and was honorably discharged on August 14, 1952. Since his discharge he has been attending school studying mechanical engineering, and has been receiving veterans' school benefits from the Government. While attending school he has been employed part time as an architect. He has no property or assets other than an automobile and household furniture.

Congressman Dewey Short, the author of the bill, submitted the following letter in support of the bill:

WEBB CITY, MO., *June 16, 1953.*

Hon. DEWEY SHORT,
House of Representatives,
Washington, D. C.

DEAR MR. SHORT: Here are some of the facts concerning the case about which I talked by telephone to your secretary.

My wife, Kimie Hayashi Crandall, and I were married by the American consulate in Tokyo on February 17, 1951. We were expecting to depart Japan in November of 1951 but she was found to have a small cavity on her lung and we were forced to cancel our departure. She was then confined in a Japanese tuberculosis hospital for about 2 months. I paid for this treatment at the rate of $9 a day. She was released as an arrested case in January of 1952. We left Japan in April of 1952 and arrived in San Francisco by Navy transport on May 3. At this time my wife had a 3–2 visa for medical treatment. She was examined and cleared by Public Health on May 5 and was paroled into the United States. We then proceeded to Louisiana and intended to apply for a permanent residence visa

when she was taken ill again. She then entered the Missouri State Sanatorium on July 8, 1952, and has been there since.

The Board of Appeals from the Kansas City office held a hearing last Thursday, June 11, and has ordered her deported. I went to Kansas City on last Monday and they have advised me that the only thing that can prevent her from having to return to Japan is to have a private bill passed in her favor. This is why I am pleading for your help. My wife is a very wonderful person and I love her dearly. She has many friends in this country and I believe that if she had to stand the heartbreak and labor of going back to Japan it would very likely cause her to have a relapse from which she might never recover.

At this time (by her doctor's testimony which is on file at the Kansas City office) she is doing very nicely and is expected to be declared an arrested case sometime during the month of August.

Your secretary advised me that my wife must meet all the requirements of an alien before a bill of this nature could be passed. Her health is now the only thing blocking this and if her condition is declared as arrested, then wouldn't she be eligible for such action as I have requested? The Kansas City office has also advised me that if the bill is introduced, it would mean that they would have to shelve her file pending action upon this bill. This should give her ample time to recover and regain her good health. If she were free from worry it would be a great boost toward her recovery.

Please let me know if you would take this action on our behalf—and I hope you realize what it means to us. We will both be forever indebted to you.

Very humbly yours,

RALPH B. CRANDALL, Jr.

P. S.—The file number on her case is V–1496947.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1987) should be enacted.

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Calendar No. 950

84TH CONGRESS, 1st Session | SENATE | REPORT No. 943

LINDA BERYL SAN FILIPPO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1997]

The Committee on the Judiciary, to which was referred the bill (H. R. 1997) for the relief of Linda Beryl San Filippo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Great Britain who presently resides with her parents in that country. She was married to Charles J. San Filippo on March 8, 1952, and they have one citizen child. The record discloses that the beneficiary pleaded guilty of theft on October 27, 1950. She was convicted and placed on probation. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her citizen child to the United States to join their husband and father.

A letter, with attached memorandum, dated August 13, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9230, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 18, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9230) for the relief of Linda Beryl San Filippo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Tacoma, Wash., office of this Service, which has custody of those files.

The bill would permit the beneficiary to gain admission to the United States for permanent residence notwithstanding her inadmissibility under section 212 (a) (9) of the Immigration and Nationality Act, as one who admits the commission and has been convicted of crimes involving moral turpitude, if she is found to be otherwise admissible and provided that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. LINDA BERYL SAN FILIPPO, BENEFICIARY OF H. R. 9230

Information concerning the case was furnished by the beneficiary's husband, Charles J. San Filippo, AR–19258395, McChord Air Force Base, Wash., who is also the sponsor of the bill.

The beneficiary was born in Birkenhead, England, on September 18, 1932. She is presently residing with her parents, John H. and Hilda Forshaw, at 90 Pasture Avenue, Moreton, Wirral Chesire, England, where she has resided since early childhood, with the exception of 2 years residence with her husband at 50 Highfield Road, Blacon.

The beneficiary attended Moreton Public School from 1937 until 1946 or 1947 when her parents had her engage in employment to help support the family. In October of 1950 she was arrested for stealing a ring from a jewelry store in Liverpool. Investigation disclosed that she had committed the same offense on two previous occasions. She had retained 1 ring and sold the other, valued at approximately 17 pounds ($40 American money). After making restitution, she appeared before the magistrate court in Liverpool and was placed on probation for 2 years. She was released from probation in 18 months. There is no subsequent record. Her outside activities consisted of membership and work with the Salvation Army in England.

The beneficiary married Charles J. San Filippo at Moreton, England, on March 8, 1952, and one son, Michael Charles San Filippo, was born of this marriage at Chester on November 5, 1952. She resided with her husband from their marriage to January 1954 when her husband was ordered back to the United States. An appointment with the American consul at Liverpool was arranged by the Dependents Administration, United States Air Force, in England and the consul informed the beneficiary that a visa could not be issued because of her theft record.

The beneficiary's husband, Charles J. San Filippo, was born in San Francisco, Calif., on November 26, 1928, and moved to San Carlos, Calif., with his mother and one sister in 1942. His mother still resides in that city. His father is now deceased. Mr. San Filippo served in the United States Army from October 1946 to February 1948. He attended San Jose State and San Mateo Junior College from 1948 to January 1951 when he enlisted in the United States Air Force. He is presently stationed at McChord Air Force Base, Wash. He supports his wife and child in England and his assets consists of a 1951 Dodge sedan.

The committee may wish to make further inquiry in this case of the Bureau of Security and Consular Affairs of the Department of State.

The Director of the Visa Office, Department of State, submitted the following report dated June 28, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, June 28, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of May 24, 1954, and its enclosures, wherein you requested a report of the facts in the case of Linda Beryl San Filippo, in whose behalf H. R. 9230 has been introduced in the 83d Congress.

It appears from information contained in the Department's files, that Mrs. San Filippo pleaded guilty before the court of summary jurisdiction sitting at the city Magistrates' court in Liverpool, England, on October 27, 1950, of 3 offenses involving the theft of 4 diamond rings. She was duly convicted and placed on probation from which she was discharged approximately 1 year and 9 months later. Two of the offenses were committed before the alien reached her 18th birthday and the other shortly thereafter. All of the rings were recovered.

The crime of theft has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of a visa to Mrs. San Filippo.

At this time the Department has no knowledge of any factor in Mrs. San Filippo's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. San Filippo from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1997) should be enacted.

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Calendar No. 951

84TH CONGRESS, 1st Session

REPORT No. 944

EDWARD PATRICK CLOONAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2059]

The Committee on the Judiciary, to which was referred the bill (H. R. 2059) for the relief of Edward Patrick Cloonan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Edward Patrick Cloonan. The bill provides for the payment of the required visa fee. The bill also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge is provided for in the bill, inasmuch as the beneficiary last arrived in the United States in possession of a quota immigrant visa.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Ireland, who last entered the United States on April 20, 1953, in posession of a visa for permanent residence. However, he was certified by the Public Health Service as being mentally deficient. Subsequently, on August 10, 1953, the beneficiary was admitted as a visitor to obtain medical treatment, under bond. The beneficiary was a United States citizen at birth, having been born abroad of a United States citizen father, but failed to meet the retention requirements of the law. The beneficiary resides with his mother, who is a lawful permanent resident, and the beneficiary is 1 of 11 children,

the others being citizens of this country. The beneficiary has been employed since September 1953, as a landscape laborer at a cemetery.

A letter, with attached memorandum, dated August 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9256, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9256) for the relief of Edward P. Cloonan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It is noted that the alien was charged to the appropriate quota upon the issuance of the visa for permanent residence with which he arrived in the United States, when he paid the required visa fee. It is suggested that the committee may wish to delete that portion of the bill which makes reference to payment of the visa fee.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDWARD P. CLOONAN, BENEFICIARY OF H. R. 9256

Edward P. Cloonan is a native and citizen of Ireland who was born November 24, 1934. He arrived in the United States at the port of New York, N. Y., on April 20, 1953, in possession of a visa for permanent residence, issued under the quota for Ireland. However, he was certified by the Public Health Service as being mentally deficient and, on that ground, inadmissible to the United States under the provisions of section 212 (a) (4) of the Immigration and Nationality Act. Following a hearing before a special inquiry officer and, with the concurrence of the Board of Immigration Appeals, the beneficiary was, on August 10, 1953, admitted as a temporary visitor for business (medical treatment) for 6 months, conditioned upon the filing of a public charge, treatment, and departure bond in the sum of $1,000. His admission was to February 10, 1954, and he received an extension to August 9, 1954. It developed that the alien has violated the conditions under which he was temporarily admitted by accepting unauthorized remunerative employment; however, action toward institution of deportation proceedings is not being taken at this time, and the alien will be given opportunity to depart voluntarily from the United States, if and when his departure should be required.

The alien is unmarried and is living with his mother, Mrs. Anne Cloonan, at 301 Robinson Street, Pittsburgh, Pa. The mother has been a legal resident alien in the United States from 1920 to 1922 and from 1924 to 1930 and since February 26, 1952. The alien is 1 of 11 children, all of whom are in the United States, the others being citizens. The beneficiary also acquired United States citizenship at birth, but lost his citizenship under the provisions of section 201 (g) and (h) of the Nationality Act of 1940, by his failure to enter the United States prior to his 16th birthday. The father became a citizen by naturalization on March 12, 1917. The father died in Ireland on December 26, 1950. The mother is unemployed, being housekeeper for her six children still living at home. The family is supported from the earnings of the children. The mother owns no property and has $1,000 in savings.

The beneficiary has been receiving periodic treatment from a psychiatrist and has attended special classes in a public school to improve his education. In Ireland the beneficiary attended elementary public school for 9 years and completed only the equivalent of the fourth grade. The beneficiary has been employed as a landscape laborer at a cemetery since September 1953 and earns approximately $68 per week.

Congressman Herman P. Eberharter, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of theHouse of Representatives and testified in support of the bill, as follows:

Mr. Chairman, I am glad to be able to appear before this committee in behalf of my bill, H. R. 2059, for the relief of Edward Patrick Cloonan. This case was first called to my attention in the spring of 1953 by friends of the Cloonan family in Pittsburgh. Edward was then being held at Ellis Island, after being refused entry into the United States.

Since that time I have gone into the case very thoroughly and have become increasingly convinced of its merits.

The father and mother of Edward were born in Ireland. The mother, Mrs. Anne Cloonan, has been a legal resident alien in the United States from 1920 to 1922 and from 1924 to 1930 and since February 26, 1952. The father became a citizen by naturalization on March 12, 1917. He died in Ireland on December 26, 1950. The mother is now residing at 301 Robinson Street, Pittsburgh, Pa. There are 11 children in the Cloonan family, 4 of whom were born in the United States, and 7 of whom were born in Ireland. All are citizens of this country, with the exception of Edward who was born in Ireland. Although Edward acquired United States citizenship at birth, he lost his citizenship under the provisions of section 201 (g) and (h) of the Nationality Act of 1940, by his failure to enter the United States prior to his 16th birthday.

Edward Cloonan first arrived in the United States at the port of New York on April 20, 1953, in possession of a visa for permanent residence issued under the quota for Ireland. However, he was denied entrance due to mental deficiency. On August 10, 1953, following a hearing before a special inquiry officer, and with the concurrence of the Board of Immigration Appeals, Edward was admitted as a temporary visitor for business for 6 months, to February 10, 1954, and he received an extension to August 9, 1954. Deportation proceedings were instituted against the alien in February 1955 on the ground that he had failed to comply with the conditions of his admission as a visitor for business. These conditions were that he not accept remunerative employment. A hearing in deportation proceedings was held at Pittsburgh, Pa., on April 14, 1955, and he was granted voluntary departure in lieu of deportation provided he avails himself of that privilege within a reasonable time. This is the current situation.

Mr. Chairman, my bill would provide that Edward Patrick Cloonan be held and considered to have been lawfully admitted to this country for permanent residence. I believe this case has more merit than any that has come to my attention in a long time. I can see no justification for sending this boy back to Ireland where he has no family or friends. This would seem to me to be absolute cruelty. I hope the committee will see fit to report this bill favorably.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2059) should be enacted.

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Calendar No. 952

84TH CONGRESS, 1st Session

REPORT No. 945

DR. CARLOS RECIO AND HIS WIFE, FRANCISCA MARCO PALOMERO DE RECIO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2070]

The Committee on the Judiciary, to which was referred the bill (H. R. 2070) for the relief of Dr. Carlos Recio and his wife, Francisca Marco Palomero de Recio, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Carlos Recio and his wife, Francisca Marco Palomero de Recio. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 40-year-old husband and his 40-year-old wife and they are natives and citizens of Spain. They last entered the United States on September 29, 1950, as a Government official and wife of a Government official, respectively. The male beneficiary is a physician and came to a previously arranged appointment at St. Vincent's Sanitarium, St. Louis, Mo. The Spanish Government did not pay any of his expenses. He is presently employed at the Harrisburg State Hospital, Harrisburg, Pa., where officials state that his services are urgently needed. The female beneficiary was a professor of Spanish and literature in Spain. The beneficiaries have two children born in this country who are citizens.

A letter, with attached memorandum, dated December 16, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9907, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9907) for the relief of Dr. Carlos Recio and his wife, Francisca Marca Palomero de Recio, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Spain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. CARLOS RECIO AND HIS WIFE, FRANCISCA MARCA PALOMERO DE RECIO, BENEFICIARIES OF H. R. 9907

Carlos Recio was born in Elda, Alicante, Spain, on November 4, 1915. He entered the United States at New York, N. Y., on September 29, 1950, and was admitted as a nonimmigrant under section 3 (1) of the Immigration Act of 1924 as a Government official for the duration of his status. He is a doctor of medicine and came to a previously arranged appointment at St. Vincent's Sanitarium, St. Louis, Mo., as resident physician. The Spanish Government did not pay any of his expenses nor direct him to come here although he had permission. His wife, Francisca Recio, accompanied him to the United States and was also admitted as a nonimmigrant under the same section of law and under the same conditions. Both aliens submitted applications for adjustment of status to permanent residents under section 245 of the Immigration and Nationality Act and their applications were denied on July 7, 1954, for the reason that the quota to which they were chargeable was oversubscribed. Section 245 further provides that any alien who shall file an application under that act shall thereby terminate his nonimmigrant status. Therefore, expulsion proceedings were instituted against them on September 16, 1954, on the ground that they failed to maintain their nonimmigrant status. They were both offered the privilege of departing voluntarily from the United States, but to date have failed to avail themselves of this privilege.

Dr. Recio was employed as resident doctor at St. Vincent's Hospital, St. Louis, Mo., from November 1950 to July 1951; at the Missouri Pacific Hospital, St. Louis, Mo., from July 1951 to June 1952; at the Emergency Hospital, Fairmont, W. Va., from July 1952 to June 1953, and he has been at the Harrisburg State Hospital, Harrisburg, Pa., since July 1953. He served in the Republican Army under the Loyalists in Spain from March 1937 to March 1939 as a doctor, but claims this service was involuntary and that he has never been a member of any political organization anywhere.

Francisca Recio was born in Castellon, Spain, on May 4, 1915. She is a subject of Spain. She married the male beneficiary on July 27, 1945. She is a graduate of the University of Valencia and was a professor of Spanish and literature in Spain. She has never been employed in the United States. They have two children born in the United States. Their total assets consisting of cash, an automobile, and personal effects are valued at about $2,250.

Congressman Walter M. Mumma, the author of the bill, submitted the following information in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed find evidence in support of H. R. 2070, which I introduced for the relief of Dr. Carlos Recio and his wife, Francisca Marco Palomero de Recio.

On July 14 of last year I introduced a similar bill, H. R. 9907, but of course it was too late for it to be given consideration prior to adjournment. Report from the Immigration Service is now in your files, and I shall greatly appreciate it if H. R. 2070 may be placed in line for early consideration by the Subcommittee on Immigration.

Sincerely yours,

WALTER M. MUMMA,
Member of Congress.

STATEMENT OF DR. O. W. CLINGER, SUPERINTENDENT, DANVILLE (PA.) STATE HOSPITAL

STATE OF PENNSYLVANIA,
County of Montour, ss:

O. W. Clinger, M. D., being duly sworn according to law, deposes and says that he is the superintendent of the Danville State Hospital; that Dr. Carlos A. Recio is employed by the Danville State Hospital as assistant physician at Danville, where living quarters are furnished for him and his family; that, as superintendent, he is familiar with the work of Dr. Carlos A. Recio; that Dr. Recio has an especially needed skill; that his work is of the utmost satisfaction; that for the general benefit of the hospital, his services are needed; that it would be detrimental to the service rendered to the hospital if he were absent even for the time he would be required to depart and reenter the country under the normal administrative procedure; and that he respectfully requests the Committee on the Judiciary of the House of Representatives of the Congress of the United States to act favorably upon H. R. 2070 and as speedily as the circumstances permit.

O. W. CLINGER, M. D.,
Superintendent, Danville State Hospital.

Sworn and subscribed before me this 27th day of January 1955.

[SEAL] RAGNAR JOHNSON.

STATEMENT OF DRS. B. A. NEWELL AND L. A. GRUMBLES

STATE OF PENNSYLVANIA,
County of Montour, ss:

Dr. B. A. Newell, assistant superintendent, and L. A. Grumbles, senior physician, being duly sworn according to law, depose and say that they are physicians having firsthand knowledge of the work of Dr. Carlos Recio; that Dr. Recio has an especially needed skill; that his work is of the utmost satisfaction; and that there is great need for his services at Danville State Hospital, Danville, Pa., where he is presently employed; and that they respectfully request the Committee on the Judiciary of the House of Representatives of the Congress of the United States to act favorably upon H. R. 2070 and as speedily as the circumstances permit.

BERNARD A. NEWELL, M. D.
LLOYD A. GRUMBLES, M. D.

Sworn and subscribed before me this 1st day of February 1955.

[SEAL] RAGNAR JOHNSON.

STATEMENT OF DR. ROBERT L. GATSKI

STATE OF PENNSYLVANIA,
County of Montour, ss:

Dr. Robert L. Gatski, vice president of the Montour County Medical Society and senior physician at Danville State Hospital, being duly sworn according to law, deposes and says that he is a physician having firsthand knowledge of the work of Dr. Carlos Recio; that Dr. Recio has an especially needed skill; that his work is of the utmost satisfaction; and that there is great need for his services at Danville State Hospital, Danville, Pa., where he is presently employed; and that he respectfully requests the Committee on the Judiciary of the House of Representatives of the Congress of the United States to act favorably upon H. R. 2070 and as speedily as the circumstances permit.

ROBERT L. GATSKI, M. D.

Sworn and subscribed before me this 1st day of February 1955.

[SEAL] RAGNAR JOHNSON.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF WELFARE,
HARRISBURG STATE HOSPITAL,
Harrisburg, Pa., February 5, 1955.

KATHARINE B. MARTINDALE,
Attorney at Law, Harrisburg, Pa.

DEAR MRS. MARTINDALE: I am enclosing herewith the statement in the case of Dr. Carlos Recio, properly notarized as you have requested.

Very truly yours,

H. C. EATON, M. D.

STATEMENT OF DRS. HAMBLEN C. EATON AND PAUL A. PETREE

STATE OF PENNSYLVANIA,
County of Dauphin, ss:

Hamblen C. Eaton, M. D., and Paul A. Petree, M. D., being duly sworn according to law, depose and say that they are physicians, that they had first hand knowledge of the work of Dr. Carlos Recio during the period of his employment at the Harrisburg State Hospital, Harrisburg, Pa.; that his work was entirely satisfactory; that there is great need for services such as his; and that they respectfully request the Committee on the Judiciary of the House of Representatives of the Congress of the United States to act favorably upon H. R. 2070 and as speedily as the circumstances permit.

HAMBLEN C. EATON, M. D.
PAUL A. PETREE, M. D.

Sworn to and subscribed before me this 4th day of February 1955.

[SEAL] P. V. ENGLEHART, *Notary Public.*

My commission expires February 5, 1955.

STATEMENT OF CARLOS RECIO

EARLY PERSONAL HISTORY

I was born in Elda, Alicante, Spain, on November 4, 1915. In 1931, I received the bachelor of science degree from the University of Valencia. That same year, 1931, I entered Valencia Medical School. In 1936 I was in the sixth and last year of my medical studies when the civil war started. At that time I was living in Valencia with my family at 23 Caballeros Street, and was working as an intern in the Clinic Hospital. In March 1937 I was drafted by the Loyalist Army (Republic).

HISTORY DURING SPANISH CIVIL WAR AND DIRECTLY THEREAFTER

I served, after draft, in the Loyalist Army for 2 years, that is, until the end of the war, as provisional medical doctor for a machinegun battalion on the south front. I devoted myself to my professional duties and was never at any time

active in politics. There are no records available as they were destroyed with the victory of the National Army. However, there is on file in the United States Immigration Bureau records, the declaration of my attendant during that time, Mr. Feliz Martinez, of Barcelona, Spain, corroborating the above statement.

In April 1939, at the end of the war, a military board of the National Army reviewed my case. They found no criminal, revolutionary or Communist record on my part, and I was dismissed without punishment. This was general procedure, under National Army regulations, for professional people drafted for professional employment by the Loyalists. I can think of it only as a measure of good will intending to unite the country after the terrible war, unfortunately not followed in other matters.

POSTWAR HISTORY IN SPAIN

In 1939–40 I completed the last year of medical school, and was graduated magna cum laude. From 1940–45, I had my internship and training in neuropsychiatry in Valencia. I published about 10 original papers. In July 1945 I married my present wife. From 1945 until coming to the United States, I served as assistant professor of anatomy in the Medical School of Valencia. From 1947 on, I was also neuropsychiatrist of the National Health Service. In Spain, all medical schools come under the Department of Education and the National Health Service under the Department of Labor.

In mid-1949, I completed my thesis and received my doctor of philosophy degree. Thereafter, I thought of coming to the United States for postgraduate study and training, knowing the high standards of the American hospitals. Through professional magazines, I established connection with St. Vincent's Hospital, St. Louis, Mo. I applied for a 1-year appointment as resident doctor, and this application was approved, with the promise of help in my studies. I was promised full maintenance for myself and wife and after the second month there, received $200 per month.

SITUATION IN SPAIN AND GOVERNMENT SCHOLARSHIPS

At that time, practically no Spaniards, could leave the country without official reason. After World War II was over, in the years that followed, there was a rising sentiment for going abroad, as Spain had been isolated from international communication since the start of the civil war in 1936. The first attempt of Franco's regime to placate this sentiment as well as to make a gesture toward the integration of the country was made when the Spanish Government's State Department, through a branch called Cultural Relations, published in the State's Bulletin, an official paper, openings of scholarships—

(*a*) With all expense paid, trip included (scholarship);

(*b*) Without any grant of funds (consideration of scholarship).

The scholarships (with expenses paid) were for the privileged and proteges, and I never intended to ask for one since I knew they were inaccessible to me. However, the requirements for both types were very restrictive and the standards for qualifying were very high, excluding the majority of the people. Both were available only to graduates of professional schools of various types, with high professional standards and to qualify for the (*b*) type it was necessary for me to have a doctor of philosophy degree, to have had original publications or papers published, to have the ability to pay my own way and to have means of maintenance secured outside the country, and to show a good reason for going—in my case, the study of neuropsychiatry, including lobotomy.

The consideration of scholarship was a theoretical scholarship, the Spanish Government giving the official nod to the proposed trip, but not giving any money or directions in connection with it. I applied for, and finally in 1950, was granted such a consideration of scholarship. In August 1950, I got the Spanish passport ready, and applied for the United States visas.

UNITED STATES VISAS

Upon application to the United States vice consul at the Embassy for the proper visas, I told him that I had been granted a consideration of scholarship, as listed in the State's Bulletin, official organ of Spain's Department of State (Cultural Relations Division); that I was paying my own way, and that I had

been accepted as outlined above at St. Vincent's Hospital, St. Louis, Mo., where I could pursue my studies in psychiatry, including lobotomy.

The vice consul's questions were two, together with my answers as follows:

"Question. What jobs are you currently holding?

"Answer. Assistant professor of anatomy, University of Valencia, and specialist of the health program under the Department of Labor.

"Question. Do these institutions belong to the state [Spain] or to whom do they belong?

"Answer. They belong to the state."

He then told us to come back at a later date, my wife and me.

We then visited the Cultural Relations Department that nominated me for the consideration of scholarship. There they thought we had already gone. The gentleman there said he would see to it that we were given visas soon and that they would call the United States Embassy on the phone. We thanked him. I do not know whether he did as he said he would.

We went a second time to the United States Embassy and the vice consul told us with words I dare to quote as I remember them so well: "I do not know what kind of a visa to give you. I can give you a visitor's visa right now, but if you wait two or three days, I will ask Washington for a number." We, my wife and I, said: "What is the difference between one visa and the other? We do not know." The vice consul told us that one was better for customs and had more traveling facilities. We said: "We want whatever you give us and whatever is best for us." The vice consul told us to come back in 2 or 3 days. We did not meet him again. The visas were handed to us, upon our return, by the girl at the desk in the waiting room.

He gave us nonimmigrant visas as Government doctor and wife. At that time, I did not know the meaning of official doctor nor of its evaluation or the existence of different kinds of visas.

We arrived in the United States on September 29, 1950, at the port of New York, where the immigration official approved our entry for the time of duration of our status, and we continued on to St. Louis.

GENERAL REMARKS

My intention in coming to the United States was to broaden my knowledge of neuropsychiatry and to return to Spain in about 1 year. However, because of the initial language difficulties, greater than I had supposed, I had to take additional training in general medicine in St. Louis, Mo., and then at Fairmont, W. Va., where the language problem was not so pressing. However, at St. Vincent's, they had a record of almost 100 lobotomy operations and I had the opportunity to study many of them, to follow up the postoperative condition, and to evaluate the results. Later on, my wife's pregnancy and the arrival of our first child made more delay in the return and finally a change in plans. Our first child was born in Fairmont, W. Va., on August 10, 1952.

I was able to resume my training in neuropsychiatry in July 1953 in Pennsylvania, first at the Harrisburg State Hospital, and then at the Danville State Hospital. We started our application for permanent residence in the United States on August 10, 1953. Formal complete application was sent January 6, 1954. Immediately thereafter, on January 7, 1954, I registered under the doctor draft law. I had my medical examination on August 31, 1954, and was classified IV–F in December 1954. Our second child was born in Harrisburg, Pa., in March 1954.

We applied for permanent residence in the United States because of our love for the country and desire for freedom. We want also for our children born in the United States that they be raised as United States citizens.

Respectfully submitted

CARLOS A. RECIO.

Witness:

K. B. MARTINDALE.

STATE OF PENNSYLVANIA,
County of Dauphin, ss:

Carlos Recio, being duly sworn according to law, deposes and says that he wrote and signed the above and foregoing statement and that the facts as set forth therein is all within his personal knowledge and are true and correct in every respect.

CARLOS RECIO.

Sworn to and subscribed before me this 12th day of February 1955.

[SEAL] IRENE M. WEST,
Notary Public.

My commission expires February 1, 1957.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2070) should be enacted.

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Calendar No. 953

84TH CONGRESS, 1st Session } SENATE { REPORT No. 946

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SALVATORE CANNIZZO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2078]

The Committee on the Judiciary, to which was referred the bill (H. R. 2078) for the relief of Salvatore Cannizzo having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 46-year-old native and citizen of Italy who presently resides in that country. On October 29, 1931, the beneficiary married Anna Giuttari, a native-born United States citizen who had gone to Italy with her parents at the age of 6 months. They have one citizen child, 17 years of age. The beneficiary's wife and son returned to the United States in March 1953. The beneficiary has been denied a visa on the ground that he was convicted of theft on December 6, 1929, involving the sum of 40 lire. The beneficiary was charged with the theft of 65 lire on September 7, 1929, but was not convicted. Without the waiver provided for in the bill the beneficiary will be unable to join his citizen wife and son in this country.

A letter, with attached memorandum, dated May 13, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2078) for the relief of Salvatore Cannizzo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SALVATORE CANNIZZO, BENEFICIARY OF H. R. 2078

Information in this case was furnished by Mrs. Anna Giuttari Cannizzo, the wife of the beneficiary, who is a United States citizen, residing at 75–79 Railroad Avenue, West Haverstraw, N. Y.

The beneficiary, Salvatore Cannizzo, was born at S. Piero Patti, Province of Messina, Italy, on March 13, 1909. He is a citizen of Italy and has never been in the United States. On October 29, 1931, in Italy he married Anna Giuttari, a native citizen of the United States, who had gone to Italy with her parents at the age of 6 months. They have one child, Anthony Cannizzo, who was born in Italy on September 1, 1938, and who derived United States citizenship through his mother. Since March 1953, when they entered the United States together, mother and son have resided in West Haverstraw, N. Y. Mrs. Cannizzo is employed as factory machine operator, with an income of about $3,000 per annum, and supports herself and her son. The beneficiary has resided in his native town since birth, exclusive of time served in the Italian Army from 1928 to 1929, and from 1941 to 1944 or 1945. His trade is that of a bricklayer and his income is said to be meager, to the extent that his wife has had to send supplemental funds of about $300 to him since 1953. The beneficiary is not known to have any financial assets. His father, 3 brothers, and 2 sisters reside in Italy.

A petition for the issuance of a nonquota visa, filed by Mrs. Cannizzo on behalf of the beneficiary on May 12, 1953, was approved by this Service and forwarded to the Department of State. However, Mrs. Cannizzo has reported that her husband was subsequently refused the issuance of a visa at the American Consulate, Palermo, Italy, on the ground that he was inadmissible to the United States, having been convicted of a crime in Turino, Italy, during the first period of his military service. Mrs. Cannizzo has been unable to furnish additional information relating to this alleged crime.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in connection with the reported criminal record of the beneficiary in Turino, Italy, while he was in the Italian Army between 1928 and 1929.

The Director of the Visa Office, Department of State, submitted the following report to the Committee on the Judiciary of the House of Representatives concerning the case:

DEPARTMENT OF STATE,
Washington, D. C., March 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 28, 1955, and its enclosures, wherein you requested a report of the facts in the case of Salvatore Cannizzo, beneficiary of H. R. 2078, 84th Congress, 1st session.

According to information contained in a report received by the Department from the American consulate general at Palermo, Italy, Mr. Cannizzo was convicted of

theft in violation of section 214 of the Italian Army Penal Code by the Territorial Military Tribunal of Turin on December 6, 1929. The court records in the case show that Mr. Cannizzo made a full confession to the effect that on September 14, 1929, in the Air Force barracks at Mirafiori, he stole the sum of 40 lire from Airman Mario Carbone, and that on September 15, 1929, in the aforesaid barracks he stole 30 lire from the footlocker of Airman Federico Schop. The records further show that Mr. Cannizzo was charged with another theft of 65 lire on September 7, 1929, but having categorically denied it was not convicted thereof.

As theft has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the consular officer at Palermo had no choice other than to find Mr. Cannizzo ineligible to receive a visa.

Since Mr. Cannizzo has committed more than one offense involving moral turpitude he would not be entitled to the benefits of section 4 of Public Law 770, 83d Congress, 2d session.

At this time the Department has no knowledge of any factor in Mr. Cannizzo's case, other than the information hereinbefore cited, which would render him ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Cannizzo from receiving a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Representative Katherine St. George, the author of the bill, submitted the following letter in support of the bill:

WEST HAVERSTRAW, N. Y., *May 26, 1955.*

To Whom It May Concern:

Mrs. Anna Cannizzo has a son, Anthony, 16, who has congenital heart disease, which is possibly amendable to surgery.

In order to establish the feasibility and/or necessity of surgical intervention, several preliminary studies and catherization of the heart have to be performed.

Mrs. Cannizzo does not feel that such a serious procedure can be undertaken without presence and moral support of her husband and, therefore, she would greatly appreciate it if his entry into this country can be expedited.

NICHOLAS J. CZUKOR, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2078 should be enacted).

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Calendar No. 954

84TH CONGRESS, 1st Session | SENATE | REPORT No. 947

AMALIA BERTOLINO QUERIO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2241]

The Committee on the Judiciary, to which was referred the bill (H. R. 2241) for the relief of Amalia Bertolino Querio, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child adopted by citizens of the United States the status of a nonquota immigrant and provides that one number be deducted from the allocation of visas provided for the issuance to adopted children of United States citizens under the Refugee Relief Act.

STATEMENT OF FACTS

The beneficiary of the bill is a 16-year-old native and citizen of Italy who presently resides in that country. She was adopted in Italy on February 24, 1954, by Mr. and Mrs. Raymond Querio. Mrs. Querio is a first cousin of the beneficiary's mother. Mr. and Mrs. Querio are citizens of the United States and since they have no children of their own, they wish to raise the beneficiary as their own child.

A letter, with attached memorandum, dated October 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9826, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 5, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9826) for the relief of Amalia Bertolino Querio, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service which has custody of those files.

The bill would confer nonquota status upon the beneficiary by providing that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, she shall be held and considered to be the natural-born alien child of citizens of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AMALIA BERTOLINO QUERIO, BENEFICIARY OF H. R. 9826

The beneficiary, Amalio Bertolino Querio, is a minor child, born on December 27, 1938, at Scarmagno, Turino, Italy, and is a citizen of Italy. She has never been in the United States. She resides at Villate Bessolo, Turino, Italy, with her mother, her brother, and her sister. Her father is deceased. Information regarding her was furnished by the sponsors of this legislation, Raymond and Domenica Querio.

Mrs. Domenica Querio is a first cousin of the beneficiary's mother. While on a visit to Italy in 1951, she became acquainted with the beneficiary, and since she has no children of her own she wishes to raise the beneficiary as her own child. Accordingly, Mr. and Mrs. Querio adopted the child at Turino, Italy, on February 24, 1954. The child's mother is in poor health and desires to have the child come to the United States to reside permanently.

Mr. and Mrs. Querio are native-born citizens of the United States. They own their own home, valued at $18,000. Mr. Querio is employed by the Standard Oil Co. and Mrs. Querio by the Santa Fe Railway. Their combined income approximates $10,000 a year. In addition to their equity in their home their assets approximate $4,000, and there is no one dependent upon them for support.

Congressman John J. Allen, Jr., the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

STATEMENT OF HON. JOHN J. ALLEN, JR., IN SUPPORT OF H. R. 2241 FOR THE RELIEF OF AMALIA BERTOLINO QUERIO

Mr. Chairman, H. R. 2241 has for its purpose the admission of Amalia Bertolino Querio, a 16-year-old female child, born at Scarmagno, Turino, Italy. She is a citizen of Italy, and has never entered the United States. She resides at Villate Bessolo, Turino, Italy, with her mother, her brother, and her maiden aunt. Her father is deceased· her mother has a serious thyroid condition which has affected her heart, and is beyond surgery. Her brother suffers from undulant fever, and the aunt is handicapped by a hip injury. Due to her poor health and prevalent conditions, Amalia's mother is very anxious for her daughter's safety, health, education, and general well-being.

Mrs. Raymond D. Querio is a first cousin of Amalia's mother. Mr. and Mrs. Raymond D. Querio are native-born citizens of the United States, and own their home at 974 Talbot Avenue, Albany, Calif. In addition to their equity in the home, their assets approximate $4,000, their annual combined income approximates $10,000 per year, and there is no one dependent upon them for support. Mr. Querio is employed as a supervisor for the Standard Oil Company of California, where he has worked for the past 32 years. The Querios are well-respected in the community in which they reside, and have been active in civic and charitable affairs.

In 1951 Mrs. Querio and her brother, an executive of the San Francisco Examiner, visited Italy for the first time, and called on their cousin, Amalia's mother. Mrs. Querio and Amalia took to each other from the start, and Amalia, then 12, wanted to go to America with Mrs. Querio. The Querios, who are childless, wished to raise the child as their own, and, consequently, adopted Amalia, with her mother's blessing, at Turino, Italy, in February 1954. Amalia and her adopted parents eagerly desire that she be permitted to join the Querios in Albany, Calif., where they are disposed, financially and through love and affection for the child, to raise her as their own natural-born daughter, and do everything possible for her welfare and happiness.

I therefore request that H. R. 2241 be given favorable consideration by this committee.

Respectfully submitted.

JOHN J. ALLEN, Jr.

In support of the above facts, I attach to this statement excerpts from letters written to me by the following:

Mr. and Mrs. Raymond D. Querio, 974 Talbot Avenue, Albany, Calif.: "* * *. The child is a worthy case, has no father and the mother with very poor health, and they have a very meager existence. She is so very anxious to come that it seems an eternity to her, since she has been waiting ever since my return in 1951 to come with us * * *. Amalia's father was in the service during World War II and had been home just a short time when he was killed by terrorists, during the time the two factions in Italy were trying to gain power. He was on his way to Turin to buy supplies for his little store—one room of his home converted to a little store—where he sold flour, salt, sugar, candy, tobacco, and a few staples in an attempt to augment their income, when he was robbed and killed. He was 45 years old. Her mother went through considerable anxiety during the war, not only for her husband in the service, but particularly for the safety of her son and daughters. Also, thieves entered her home, robbed her of her little savings, took what supplies they wanted, bound and gagged her. It was Amalia's screams at seeing her mother bound on arriving home from school unexpectedly, that caused the thieves to leave and saved her mother's life. During the period of the war when the Germans controlled northern Italy, this family hid and nursed an injured English flier to health. However, when he was well he foolishly exposed himself and was discovered. When the Germans took him prisoner, he was in the same small store, had some small change in his pocket, so my cousin was able to convince the Germans he had just come in to the store to buy some candy, else she would have been killed for befriending him. With all that transpired and her poor health, Amalia's mother is very anxious for her child's safety and well-being, and it was with her blessing that the adoption proceedings were started and ultimately completed."

Albert S. Weaver, president, Oakland Bank of Commerce, Oakland, Calif.: "* * * This is a worthy case and the adopted parents good citizens and people of high moral character, who will not only take good care of the child but give her every opportunity possible for her welfare and education, which will mean a good deal to the young lady's happiness, as well as to her parents * * *."

Mrs. Josephine Gedda, 2322 Oregon Street, Berkeley, Calif.: "* * * I have been close association with Mr. and Mrs. Querio for more than 30 years and know they are of fine character, high moral standing, and capable of caring for and educating her * * *."

Jerome Blank, city councilman, Albany, Calif.: "* * * The Querios are personally known to me and are good citizens and have been residents of Albany for the past 12 years, having taken part in civic affairs during that time. Mr. Querio has been employed by Standard Oil Co., Richmond, Calif., for 32 years, and with his wife, will be able to provide a good, happy homelife for the child as well as a good education. The Querios are people of fine character and good morals and I believe are worthy of your support * * *."

Mr. and Mrs. Louis J. Marre, Avila, Calif.: "* * * The Querios are lifelong friends, having known them since early childhood days. We can, without the slightest hesitation, say, that they are both people of excellent character, and are in every way able and capable of taking good and loving care of, and educating the child. In the summer of 1952, while in Europe, we visited Amalia in her home. The day we called she was doing fieldwork. They have the bare necessities of life. The child was not in school, although she is an extremely intelligent, beautiful little girl. She is very eager to get to her new parents. One thing that impressed us very much, was the fact that her natural mother, realizing how little she can do for her, and what the advantages would be for the child with Mr. and Mrs. Querio, very unselfishly, was as willing and eager for the little girl to get to her new parents, as Mr. and Mrs. Querio are to have her. We both wished, so much, that we could have taken her with us, as we realized that every day she is delayed in reaching here, her loss, so far as education and physical welfare is concerned, is irretrievable. * * * They have spent their adult life taking care of, and doing good for others, without a thought to any advantage or remuneration to themselves, and many times at a great sacrifice to them. They are very deserving of the joy and happiness the little girl will bring to them. Further delay certainly could serve no useful purpose to anyone, and work a great hardship on all concerned."

George J. Lyons, attorney at law, American Trust Building, Berkeley, Calif.: "* * * Mrs. R. D. Querio and her husband, Raymond D. Querio and their family and friends are known to me for many years. Without qualification their loyalty, moral character, economic security, health and temperaments especially fit and recommend them as admirably suited to provide a home for this young lady from Italy. The case is a needy one and as such in my judgment will help us by making one of our excellent American homes complete and at the same time giving us a superior young lady whose coming will endear us to a great many citizens of our friendly ally, Italy. * * *"

R. K. Rowell, general manager, Richmond Refinery, Standard Oil Co.: "* * * Mr. Raymond D. Querio has been one of our most trusted employees * * * for the past 32 years. He is employed as a supervisor and is highly respected in the company and in the community where he resides. He is quiet, unassuming, of irreproachable character and very well liked by his associates. * * * As a supervisor, Mr. Querio's financial position should insure meeting the expense incurred by this acquisition."

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2241) should be enacted.

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Calendar No. 955

84TH CONGRESS, 1st Session | SENATE | REPORT No. 948

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KIM JOONG YOON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2242]

The Committee on the Judiciary, to which was referred the bill (H. R. 2242) for the relief of Kim Joong Yoon, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kim Joong Yoon. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Korea, who last entered the United States on July 8, 1952, as a student. The beneficiary's sponsor wishes to educate him in memory of his deceased son, who was killed in action October 4, 1951. The beneficiary had served as an ammunition carrier for the sponsor's son, who had planned to adopt the beneficiary and educate him out of friendship.

A letter, with attached memorandum, dated August 13, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9437, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9437) for the relief of Kim Joong Yoon, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., Office of this Service, which has custody of those files.

The bill would grant permanent residence in the United States to the beneficiary upon payment of the required visa fee. It also provides for reducing the appropriate quota by one number. As a native of Korea the beneficiary would be chargeable to the quota for that country.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIM JOONG YOON, BENEFICIARY OF H. R. 9437

The beneficiary, Kim Joong Yoon, was born November 16, 1934, at Kyeungkido, Kimpo, Korea. He entered the United States, July 8, 1952, at San Francisco, Calif., as a student. He failed to maintain status and deportation proceedings were instituted June 22, 1954. He was placed on conditional parole and granted opportunity to depart voluntarily from the United States on or before September 22, 1954.

Beneficiary has exhausted all possibilities of adjusting his status to permanent residence, being denied adjustment under section 245, Immigration and Nationality Act, and section 6 of the Refugee Act.

Beneficiary attended common school in Korea and is presently attending Acalanes High School in Lafayette, Calif. He has no occupation or income and is supported entirely by the sponsor, Victor P. Beauchamp. Sponsor brought the beneficiary to the United States in order to educate him in memory of sponsor's deceased son. Sponsor's deceased son, Pfc. Victor P. Beauchamp, Jr., was killed in action October 4, 1951, with the United States Army at North Chorwon, Korea. Prior to his death he had wished to adopt the beneficiary and educate him out of friendship. Sponsor states the the beneficiary used to act as ammunition carrier for his son while the latter was serving on the Korean front with Company B, 1st Battalion, 8th Cavalry. Sponsor wishes to carry out his deceased son's wishes and assist the beneficiary. Sponsor and his wife have no dependents. Sponsor is employed as a salesman by Clingan & Fortier, Inc., 1526 Wallace Avenue in San Francisco at a salary of approximately $6,000 per year. His assets consist of home, personal effects, and property valued at approximately $35,000 and about $5,000 in cash.

Investigation fails to develop any derogatory information concerning sponsor or beneficiary. Both bear a good reputation in that community. Beneficiary has a good record in the school system.

Congressman John J. Allen, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman, H. R. 2242 has for its purpose the admission of Kim Joong Yoon, a 20-year-old single male, a native and citizen of Kimpo, Korea, who entered the United States at San Francisco as a student on July 8, 1952. In June 1950, as the Communists came south through Korea, American ground forces came north to meet them. A group of United States cavalry, among them Pfc. Victor P. Beauchamp, Jr., took Kim along as interpreter, ammunition carrier, platoon orderly, and stretcher bearer. Kim was very alert, spoke some English, and was very well liked by the cavalry unit as a whole and by Private First Class Beauchamp in particular. This latter friendship grew until the two became constant companions. The intelligence, honesty and loyalty of this young Korean boy so impressed Private First Class Beauchamp that he wrote his parents of his desire to adopt Kim and bring him home. Prior to October 1951, Private First Class Beauchamp wrote his parents, asking them to start proceedings for the adoption of this boy. Upon advice of the San Francisco Immigration Department, it

was decided that the most satisfactory procedure would be to bring Kim to the United States on a student's visa. Private First Class Beauchamp's parents wrote their son to this effect, but the letter never reached him; for Pfc. Victor P. Beauchamp, Jr., was killed in action at North Chorwon, Korea, on October 4, 1951.

It then became the desire of the senior Beauchamps to carry out their deceased son's last wishes concerning Kim; they arranged to bring the boy to their home in Orinda, Calif., where he has lived since July 1952. When Kim applied for his student's visa at Pusan, Korea, to enter the United States, he believed that his only relative, a brother, had either been killed or taken prisoner at the start of the war. However, after 6 months in this country, Kim received a letter from the brother, telling of his safe return from 3 years' service as a ROK intelligence officer. The brother is now a veteran also in the teaching field, and vice principal of a boys' high school in Korea.

Kim has been in school since his arrival in this country, and his work has been outstanding. He has won the Beauchamps' love, and has, as nearly as is possible, taken the place of their only child. The Beauchamps desire that Kim, by this bill, gain permanent residency, at which time they plan to adopt him. Mr. Beauchamp is employed as a salesman in San Francisco at a salary of approximately $6,000 per year. His assets consist of his home, personal property, and real property valued at approximately $35,000 and about $5,000 in cash. The Beauchamps' reputation in their community is very good, as is that of Kim Joong Yoon.

I therefore request that H. R. 2242 be given favorable consideration by this committee.

Respectfully submitted.

JOHN J. ALLEN, Jr.

In support of the above facts, I attach to this statement excerpts from letters written to me by the following:

Mr. and Mrs. Ronald J. Shattock, 608 Spokane Avenue, Albany, Calif.: "* * * For the past several years we have been intimately acquainted with the Victor Beauchamps, at whose instigation the bill was initiated * * *. We have watched Kim since his arrival here, seeing him develop from a courageous, but hesitant and bewildered child into a conscientious, enthusiastic, clear-eyed and courteous young man. It is our conviction that Kim merits every consideration in being accorded permanent residency in the United States. * * *"

Douglas Smith, manager, Pacific Telephone & Telegraph Co., Hayward, Calif.: "* * * I have known Vic Beauchamp for over 30 years and Julia Beauchamp for 25 years. Since Kim has become a part of the Beauchamp family, it has brought about a miraculous change in both Kim and the Beauchamps. It has given the Beauchamps something to again live for, as Kim has filled a void that could have been filled in no other way. Kim, too, is extremely happy. He has so adapted himself to our way of life, it seems as though this country, rather than Korea, was his birthplace. He is an outstanding student and in my opinion would be an asset to any country. I am sure Kim will make an American citizen that you and all of us will be proud of."

John S. Hoyt, 1741 Rose Street, Berkeley, Calif.: "I, * * *, was a member of the 5th Calvalry Regiment, 1st Cavalry Division, on duty in Korea, when I first met Kim through the late Pfc. Victor P. Beauchamp, Jr., and at that time I was very impressed to see what a big help the boy was to my best friend Vic. During our first meeting Vic tole me how intelligent the boy was and that he was working on papers to bring the boy back to the States with him. He also said if anything should happen to him he wanted me to look after Kim. * * * Since Kim has been here he has shown that he is a good citizen; he has proven to me and to everyone who knows him that he wants America to be his country. * * *"

Mr. and Mrs. Victor P. Beauchamp, 54 Davis Road, Orinda, Calif.: "* * * We believe that this boy has won the right both in Korea and in our home to become our son by legal adoption. If it is possible for Kim to stay with us in the United States we will adopt him immediately upon the favorable passage of bill. * * *"

Mrs. Charlotte Hillegas, 20807 Cambridge Avenue, Hayward, Calif.: "* * * Mrs. Beauchamp is a woman of fine character, and her care of the boy, and her devotion to him, set an example for all of us. * * *"

J. E. Scoggins, cashier, Standard Oil Company of California, San Francisco 20: "* * * I firmly believe that Kim will make an excellent citizen of the United States. He is trustworthy and his kindly manners have won the hearts of many in Orinda. His presence in the Beauchamps' home has gone a long way in reliev-

ing the sorrow of their lost son in Korea. His foster parents are fully financially responsible for accepting this charge."

Mr. and Mrs. B. P. Beauchamp (brother), 59 Maryal, Walnut Creek, Calif.: "* * * We have seen this young fellow arrive here and fill a void in our brother and sister-in-law's life. * * * We have seen happiness return to a very empty and sad home. We have noted how Kim has taken hold here. His progress and zeal to learn and improve himself, is amazing. He certainly is a boy that a man can be proud to call 'son.' As commander of the American Legion in this area, it was my privilege to make the Americanism awards at Kim's school. At that time, his principal spoke glowingly regarding this boy. His papers and work have been used as an example to his fellow students. These same students have taken and welcomed him into their homes and lives. Kids are rough judges and they have sincerely accepted him. Our sons look forward to Kim's visits in our home just as we do. We have all benefited by Kim's advent into our lives. We feel we are better citizens having brought forcibly to our attention the privileges that we have here in America that Kim so desires and appreciates. Your efforts to help him attain this goal are certainly not misdirected."

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2242) should be enacted.

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Calendar No. 956

84TH CONGRESS, 1st Session | SENATE | REPORT No. 949

ALESSANDRA BARILE ALTOBELLI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2259]

The Committee on the Judiciary, to which was referred the bill (H. R. 2259) for the relief of Alessandra Barile Altobelli, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child adopted by citizens of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 16-year-old native and citizen of Italy, who presently resides in that country. She was adopted in an Italian court on December 6, 1951, by Mr. and Mrs. Ettore Altobelli. The beneficiary is the youngest child of Mrs. Altobelli's brother. The mother of the beneficiary is deceased.

Letters, with attached memorandums, dated January 13, 1954, and April 29, 1955, respectively, to the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization relating to the beneficiary of this bill and a bill (H. R. 4234) introduced in the 83d Congress, read as follows:

JANUARY 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4234) for the relief of Alessandra

Barile Altoboelli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files. According to the records of this Service the correct name of the beneficiary is Alessandra Barile Altobelli.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota of Italy.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALESSANDRA BARILE ALTOBELLI, BENEFICIARY OF H. R. 4234

The beneficiary, Alessandra Barile Altobelli, is a 14-year-old child, a native and citizen of Italy, born on January 31, 1939. She has never been in the United States. She was adopted in an Italian court on December 6, 1951, by Mr. and Mrs. Ettore Altobelli, the parties interested in her case. She is the youngest child of Angelo Barile, Mrs. Altobelli's brother, and his deceased wife Silvia. The child has seven older brothers living in Italy. She resides at home with her father and those brothers that are single.

Mr. and Mrs. Ettore Altobelli are United States citizens. Mr. Altobelli was born in Venafro, Italy, on January 7, 1892, and became a naturalized United States citizen on November 30, 1927. Mrs. Altobelli was born in Villetta, Italy, on January 2, 1897, and became a naturalized citizen of the United States on May 7, 1943. They were married on September 4, 1921, in Providence, R. I. They testified that this is their only marriage and that they have never had any children of their own. Mr. Altobelli has been employed by the Atlantic Refining Co. for 30 years and earns about $300 a month. Mrs. Altobelli is employed in a tailor shop and earns about $60 a week. They own their home valued at $9,000, free of any encumbrance. They have $19,000 in the bank. Mr. and Mrs. Altobelli have been contributing money to the father of the child, which is used for the support of the entire family.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2259) for the relief of Alessandra Barile Altobelli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota of Italy.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALESSANDRA BARILE ALTOBELLI, BENEFICIARY OF H. R. 2259

The beneficiary, Alessandra Barile Altobelli, is a 16-year-old child, a native and citizen of Italy, born on January 31, 1939. She has never been in the United States. She was adopted in an Italian court on December 6, 1951, by Mr. and Mrs. Ettore Altobelli, the parties interested in her case. She is the youngest child of Angelo Barile, Mrs. Altobelli's brother, and his deceased wife, Silvia.

The child has seven older brothers living in Italy. She resides at home with her father and those brothers that are single.

Mr. and Mrs. Ettore Altobelli are United States citizens. Mr. Altobelli was born in Venafro, Italy, on January 7, 1892, and became a naturalized United States citizen on November 30, 1927. Mrs. Altobelli was born in Villetta, Italy, on January 2, 1897, and became a naturalized citizen of the United States on May 7, 1943. They were married on September 4, 1921, in Providence, R. I. They testified that this is their only marriage and that they have never had any children of their own. Mr. Altobelli has been employed by the Atlantic Refining Co. for 30 years and earns about $300 a month. Mrs. Altobelli is employed in a tailor shop and earns about $60 a week. They own their home valued at $9,000, free of any encumbrance. They have $22,000 in the bank. Mr. and Mrs. Altobelli have been contributing money to the father of the child, which is used for the support of the entire family.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for further information in this case.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2259) should be enacted.

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Calendar No. 957

84TH CONGRESS, 1st Session | SENATE | REPORT No. 950

MARIA DE REHBINDER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2306]

The Committee on the Judiciary, to which was referred the bill (H. R. 2306) for the relief of Maria de Rehbinder, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Maria de Rehbinder. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 68-year-old native of Russia who last entered the United States on September 29, 1952, as a visitor. The beneficiary now claims to be stateless. The beneficiary is a widow and resides with her nephew and his wife and minor child, who are all permanent residents of the United States. They are alleged to be her only living relatives.

A letter, with attached memorandum, dated August 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9543, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9543) for the relief of Maria de Rehbinder, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. The bill would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Union of Soviet Socialist Republics.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA DE REHBINDER, BENEFICIARY OF PRIVATE BILL H. R. 9543

The beneficiary has also been known as Countess Mania de Rehbinder and Maria de Neves. She was born November 27, 1886, in Russia and now claims to be stateless. She was last a resident of France. Her only entry into the United States occurred at the port of New York on September 29, 1952, at which time she was admitted as a visitor for pleasure for a period to expire December 28, 1952. Mrs. de Rehbinder's temporary stay has been extended to August 15, 1954, conditioned upon a $500 departure bond.

The beneficiary stated that during 1909, in St. Petersburg, Russia, she married Count Serge de Rehbinder, now deceased, a colonel in the army of the Czar of Russia. Mrs. de Rehbinder was a member of the Czar's court and a lady in waiting to the Czarina. Her father was a general in the Czar's army. The beneficiary advised that as a consequence of the Russian Revolution of 1917 she was forced to flee to Western Europe leaving most of her possessions behind. She resided in France from 1945 to 1952 where she maintained herself by giving language instructions.

Mrs. de Rehbinder resides in Queens, New York, with her nephew and his wife and his minor child, all permanent residents of the United States. They are alleged to be her only living relatives. The beneficiary has not been employed in the United States. She claims no assets save her personal belongings.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2306) should be enacted.

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Calendar No. 958

84TH CONGRESS, 1st Session | SENATE | REPORT No. 951

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JULIUS, ILONA, AND HENRY FLEHNER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2307]

The Committee on the Judiciary, to which was referred the bill (H. R. 2307) for the relief of Julius, Ilona, and Henry Flehner, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Julius, Ilona, and Henry Flehner. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are husband, wife, and child, and they are 50-, 42-, and 15-year-old natives of Austria, Hungary, and China, respectively, and citizens of Austria. They last entered the United States on August 16, 1948, in transit. In addition, they have one child born in this country and a citizen. The adult male beneficiary resided in Austria until 1938. He subsequently resided with his family for 9 years in China and 8 months in Paraguay before being admitted to the United States in transit. He is presently employed as a foremen in the textile industry, and the wife and son, as well as the citizen child, are all dependent upon him for support.

A letter, with attached memorandum, dated November 24, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Acting Commissioner of Immigration and Naturalization with reference to H. R. 5681, which was a bill

introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

NOVEMBER 24, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5681) for the relief of Julius, Ilona, and Henry Flehner, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees and head taxes. It would also direct that three numbers be deducted from the appropriate immigration quotas. It is noted that the Immigration and Nationality Act does not require the payment of head tax.

The adult male alien is chargeable to the quota of Austria, the adult female alien is chargeable to the quota of Hungary, and the alien child is chargeable to the quota of China.

Sincerely,

———— ————, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JULIUS, ILONA, AND HENRY FLEHNER, BENEFICIARIES OF H. R. 5681

The aliens, Julius, Ilona, and Henry Flehner, citizens of Austria, were born on April 15, 1905, at Vienna, Austria: January 17, 1913, at Budapest, Hungary, and September 15, 1939, at Shanghai, China, respectively. They last entered the United States at New York, N. Y., on August 16, 1948, being admitted temporarily until September 10, 1948, in transit to Austria. Applications for extension of their temporary stay in the United States were denied.

Deportation proceedings were instituted against the aliens on November 23, 1948, and on January 4, 1949, the adult aliens applied for suspension of deportation based on a claim of economic detriment to a citizen child born at New York City on September 14, 1948. Suspension was recommended and on August 3, 1951, the cases were referred to Congress. The aliens also applied for voluntary departure and preexamination on December 23, 1952. Congress failed to act favorably on the cases of the beneficiaries for suspension of deportation and on March 31, 1953, the beneficiaries were granted until June 1, 1953, to effect voluntary departure from the United States and further advised that warrants of deportation would be issued if they failed to avail themselves of the voluntary departure privilege.

The adult male alien, formerly a dental technician and traveling salesman prior to entry into the United States, resided in Austria until 1938. He subsequently resided with his family for 9 years in China and 8 months in Paraguay before being admitted to the United States in transit to Austria. He is presently employed as a foreman in the textile industry at a salary of $115 per week. His wife and son, also beneficiaries of this bill, as well as his United States born child are all dependent upon him for support. The combined net worth of the family is about $5,000.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2307) should be enacted.

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Calendar No. 959

84TH CONGRESS, 1st Session | SENATE | REPORT No. 952

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MRS. AGNETHE GUNDHIL SUNDBY

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2313]

The Committee on the Judiciary, to which was referred the bill (H. R. 2313) for the relief of Mrs. Agnethe Gundhil Sundby, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Agnethe Gundhil Sundby. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 46-year-old native and citizen of Denmark, who last entered the United States on February 3, 1949, as a visitor, accompanied by her minor daughter who was born in this country on a previous visit in 1947. The beneficiary is a widow and her husband, a Danish airline pilot, lost his life in an airplane accident in Hong Kong in 1948. During World War II, he had been engaged in ferrying military planes over the "Hump" to the United States Armed Forces. Prior to her last entry, the beneficiary resided with her husband in Shanghai, and when the Communists started approaching the city, they made inquiry relative to obtaining immigration visas. Apparently, because of the emergency and to avoid delay, they were issued temporary visitors' visas on December 10, 1948. The beneficiary's husband was killed on December 21, 1948, and she and the child, who is a citizen of this country, departed

shortly thereafter for the United States. They are presently supported by the revenue from cash and bonds owned by the beneficiary.

A letter, with attached memorandum, dated April 27, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., April 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for a report on private bill H. R. 2313, 84th Congress.

The beneficiary of this bill, Mrs. Agnethe Gundhil Sundby, is an alien in the United States under deportation proceedings. If enacted, the bill would in effect direct the termination of those proceedings against the beneficiary, and confer on her lawful permanent residence status in this country.

There is enclosed a memorandum of information relative to the beneficiary. This memorandum reflects all the pertinent information concerning the beneficiary available in the files of the Immigration and Naturalization Service.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AGNETHE GUNDHIL SUNDBY, BENEFICIARY OF H. R. 2313

Mrs. Agnethe Gundhil Sundby, nee Lundgren, is a 46-year-old widow, a citizen of Denmark, born June 23, 1908, in Copenhagen. She has made three entries into the United States, and was admitted each time as a temporary visitor. Her last admission was through the port of San Francisco on February 3, 1949, when she was admitted for a temporary period to August 2, 1949. She was accompanied by her 21-month-old daughter who is a United States citizen by birth. Both beneficiary and daughter are presently residing in Hayward, Calif.

Mrs. Sundby has not been employed since entering this country. She and her daughter are supported by the revenue from cash and bonds owned by the beneficiary which, in the aggregate, are valued at approximately $60,000.

Subsequent to her arrival in the United States on February 3, 1949, the subject failed to submit an application for extension of her temporary stay. On October 31, 1950, deportation proceedings were instituted and she has been found to be deportable from the United States on the ground that at the time of entry she was an immigrant not in possession of a valid immigration visa. She has been granted the privilege of departing voluntarily but to date has not availed herself of that privilege. Stay of deportation has been directed and subject is presently at large under the terms of an order of conditional parole.

The beneficiary married Charles M. Sundby in Copenhagen, Denmark, on February 24, 1937. Her husband, a native and citizen of Denmark, was an airplane pilot. According to Mrs. Sundby she left Denmark January 10, 1946, to be with her husband in Calcutta, India. He was then employed as a captain flying for Pan American Airways and China National Aviation Corp. Previously, in 1942, her husband was engaged in ferrying military planes over "the Hump" to the United States Armed Forces. Shortly after her arrival in Calcutta, her husband was moved to Shanghai, China, and Mrs. Sundby accompanied him there. After 6 months in Shanghai she left for the United States as she was expecting the birth of a baby. She entered the United States January 10, 1947. On February 24, 1947, her daughter, Rechs Ann Sundby, was born in Hayward, Calif. In June 1947, Mrs. Sundby made a brief visit to Canada, remaining there about 10 days. She reentered the United States and remained here until November 10, 1947, when she and her daughter left to join Mr. Sundby in Shanghai. As the Communists neared Shanghai, Mrs. Sundby and her husband made inquiry at the American consulate in Shanghai relative to obtaining immigration visas. Apparently, because of the emergency and to avoid delay, they were issued temporary visitors' visas on December 10, 1948. On December 21, 1948, Mr. Sundby was killed in an airplane accident in Hong Kong. Shortly thereafter the beneficiary and her daughter left for the United States.

Congressman George P. Miller, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mrs. Agnethe Gundhil Sundby, in whose behalf I introduced H. R. 2313, which has been referred to your committee for consideration, is 46 years of age and a native and citizen of Denmark. She was married on February 24, 1937, to a Danish citizen.

Her husband was engaged in ferrying planes from the United States during the war and, therefore, was directly engaged in aiding in our war effort. The planes were military ones used by the American forces, and the contribution of her husband was in that regard apparently substantial.

During the course of her husband's efforts on behalf of this country and our Allies, Mrs. Sundby learned to love the United States sufficiently to want her child born here. In 1947 she visited the United States, at which time a daughter was born. Mrs. Sundby, a person of means, entered the United States at this time expressly for the purpose of permitting her child to be born in this country and to have the opportunities that it affords. The child is now 8 years old and is eligible to remain in this country as a permanent resident and citizen.

Mr. Sundby's efforts in ferrying planes continued until 1949, during the last part of which Mrs. Sundby returned to Shanghai in order to be with her husband. He was killed in an airplane accident at the time when the Communist forces were approaching Shanghai. Immediately, Mrs. Sundby consulted the United States consul at Shanghai and sought permission to return her daughter to the United States and sought permanent residence for herself. She was advised by the consul that because of the emergency she could not make permanent arrangements, and a visitor's permit was issued to her. She thought that due to the fact that her daughter was born in the United States she might have the opportunity of staying and caring for her child.

It is my understanding that Mrs. Sundby, in October 1950, voluntarily applied for suspension of deportation but, apparently, no action was ever taken on her application. It is further my understanding that the applicant endeavored to ascertain the status of her application for alternative relief and preexaminaton filed with the Department on September 1, 1949.

Mrs. Sundby is of very high moral character; she has sufficient means and is in no danger of becoming a public charge; she has a child who is depending upon her mother for care and support, who is an American citizen and has the right to reside permanently in the United States.

May I respectfully request that the committee give this case its earnest consideration.

In addition, Congressman Miller submitted the following documents in support of the bill:

HAYWARD LODGE, NO. 184,
DANISH BROTHERHOOD IN AMERICA,
Hayward, Calif., March 22, 1954.

UNITED STATES HOUSE OF REPRESENTATIVES,
Judiciary Committee, Washington, D. C.

GENTLEMEN: Many of the members of Hayward Lodge, No. 184, of the Danish Brotherhood in America have come to know Mrs. Agnethe Gundhil Sundby through the fraternal and social activities of the lodge, and many of them have been associated with her in other than lodge activities.

We are agreed that Mrs. Sundby possesses all qualities desirable for future United States citizenship.

We know and understand her desire to remain in the United States with her child, born here, whom she wishes to be brought up in this, her native land.

We are confident that Mrs. Sundby, should she be allowed to remain here, will become a good American citizen, and we have accordingly enacted the enclosed resolution, and hereby petition the Congress of the United States of America to act favorably on her request to be allowed to remain here.

With deepest respect,

HAYWARD LODGE, NO. 184,
DANISH BROTHERHOOD IN AMERICA.
FREDERICK H. MAHLER, *President,*
[SEAL] A. B. CHRISTENSEN, *Secretary.*

HAYWARD LODGE, NO. 184,
DANISH BROTHERHOOD IN AMERICA,
Hayward, Calif., March 22, 1954.

Whereas it has come to our ears that Mrs. Agnethe Sundby, a member of our auxiliary lodge, is about to have her stay in our country terminated; and

Whereas we know and understand her desire to remain in these United States to bring up her child, born here, in its native land; and

Whereas we have come to know Mrs. Sundby, through the fraternal and social activities of our lodges as a just and upright person, who fully understands and believes in our form of government, and in due time would become a loyal citizen; be it

Resolved, That we, the members of Hayward Lodge No. 184 of the Danish Brotherhood in America, hereby respectfully petition the Congress of the United States of America to act favorably upon the request of Mrs. Sundby to permanently remain here with her child.

Respectfully,

HAYWARD LODGE, NO. 184,
DANISH BROTHERHOOD IN AMERICA,
FREDERICK H. MAHLER, *President.*
[SEAL] A. B. CHRISTENSEN, *Secretary.*

AFFIDAVIT OF DOUGLAS CHARLES SUNDBY

STATE OF CALIFORNIA,
County of Butte, ss:

Douglas Charles Sundby, being first duly sworn, deposes and says:

That he is a resident of the city of Chico, county of Butte, State of California. That his address is Route 2, Box 740, Chico, Calif., and is employed by the board of education at Chico College, Chico, Calif. That he is an American citizen, and the son of Harold Alfred Sundby.

That Agnethe Gundhil Sundby was the wife of Charles Marinus Sundby, now deceased.

That he knows of his own knowledge that the said Agnethe Gundhil Sundby, now residing in the city of Hayward, County of Alameda, State of California, at 719–B Grace Street, is the mother of a minor child, Rechs-Ann Sundby, born in the United States on the 24th day of February 1947. That he further avers that his uncle, Charles Marinus Sundby, now deceased, is the father of the said Rechs-Ann Sundby.

That he has known the said Agnethe Gundhil Sundby during the period of time she has resided in the United States and has seen and visited with her on many occasions. That he knows that the said minor child, Rechs-Ann Sundby, is under the care of her mother, and that the said Rechs-Ann Sundby would have no means of care and maintenance in the United States without the care of and support of her said mother, Agnethe Gundhil Sundby. That he further knows that the said Agnethe Gundhil Sundby has adequate and ample means for the support, care, and maintenance of herself and her said minor child, Rechs-Ann Sundby, and that she is in no danger of becoming a public charge. That he knows that the said Agnethe Gundhil Sundby is of good moral character and that she has never made any statement or performed any act in any way inimical to the best interests of the United States, and that she has at all times expressed a full and complete adherence to the democratic principles taught and practiced in the United States. That she is not a member of, to your affiant's knowledge, any group or organization whose principles are contrary to the Constitution of the United States, or its laws or principles.

That if admitted to the United States for permanent residence, she will, in the opinion of your affiant, be a person of the kind and character to make a good and desirable resident in this country.

DOUGLAS C. SUNDBY.

Subscribed and sworn to before me this 5th day of April 1954.

[SEAL] TERESA L. BARNUM,
Notary Public in and for the County of Butte, State of California.

My commission expires April 3, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2313) should be enacted.

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Calendar No. 960

84TH CONGRESS, 1st Session | SENATE | REPORT No. 953

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ANTONIO (OREJEL) CARDENAS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2315]

The Committee on the Judiciary, to which was referred the bill (H. R. 2315) for the relief of Antonio (Orejel) Cardenas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who admits the commission of a crime involving moral turpitude and attempts to obtain a visa by fraud and misrepresentation in behalf of the husband of a United States citizen and father of three minor citizen children.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of Mexico who last entered the United States on February 8, 1953, in possession of a nonquota immigrant visa. In his application for a visa, he stated he had never been arrested and deported from the United States, when actually he had been previously deported on January 17, 1947, and April 30, 1948. The beneficiary last departed from the United States to Mexico on November 1, 1953, under a voluntary departure order. The beneficiary is married to a United States citizen and they have 3 minor citizen children. Prior to his departure from the United States the beneficiary was employed as a cook. However, his wife and children are now dependent upon public funds for support. In addition, the mother has recently been found to have cancer. The beneficiary has been granted permission

to reapply for admission to the United States, but without the waivers provided for in the bill, he will be unable to qualify for a visa so that he can rejoin his family in this country.

A letter, with attached memorandum, dated May 11, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 2315, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., May 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2315), for the relief of Antonio (Orejel) Cardenas, there is attached a memorandum of information concerning the beneficiary which has been prepared from the files of the Immigration and Naturalization Service.

The bill would permit the beneficiary to be admitted to the United States for permanent residence, if found to be otherwise admissible, notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act which excludes from admission any alien who has procured a visa or other documentation by willfully misrepresenting a material fact. It is noted that the beneficiary may also require a waiver of the provisions of section 212 (a) (9) as an alien who admits having committed a crime involving moral turpitude (perjury).

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIO CARDENAS-OREJEL, BENEFICIARY OF H. R. 2315

Antonio (Orejel) Cardenas, also known as Antonio Cardenas-Orejel, a citizen of Mexico, was born in San Antonio, Huar., Mexico, on May 15, 1924. He is now residing at Plasuela Juares 23, Zamora, Michoacan, Mexico.

The beneficiary is married to a United States citizen. They have three children, born in the United States. Prior to his departure from the United States the beneficiary was employed as a cook at a salary of $70 per week. His wife and children are now dependent upon public funds for support.

Mr. Cardenas had been arrested and deported from the United States on January 17, 1947, and on April 30, 1948. He last entered the United States on February 8, 1953, at San Luis, Ariz., in possession of a nonquota immigrant visa. In his application for the visa he had stated he had never been arrested and deported from the United States. Deportation proceedings instituted against him on June 18, 1953, resulted in a finding that he was deportable. He was granted the privilege of voluntary departure and departed for Mexico on November 1, 1953. This Service granted him permission to reapply for admission to the United States. However, his application for a visa has been denied by the American consul by reason of his inadmissibility to the United States under section 212 (a) (9) and (19) of the Immigration and Nationality Act.

Congressman George P. Miller, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

I respectfully invite the sympathetic attention of the members of this committee to H. R. 2315, a case that involves unusual and extreme hardship.

The beneficiary of this bill is Antonio Cardenas, a 31-year-old native of Mexico who is married to a natural-born United States citizen and who has three small American-born children. The mother and children live in Hayward, Calif., and are dependent on public funds for support. The mother has cancer.

At the present time the father, Antonio Cardenas, is residing in Mexico and has been unable to secure an immigrant's visa because of a previous denial of deportation. After considering the hardship involved, the Immigration and Naturalization Service has reversed itself and has granted this man permission to reapply for admission. The facts are set forth at length in the reports and letters from the Departments of State and Justice.

The only mark against this man is a denial of previous deportation. From investigation it appears that Antonio Cardenas has committed no crime but is simply a victim of technical difficulties—difficulties which arose through a lack of proper advice and ignorance rather than intent.

Antonio Cardenas is found to be an honest worker, a good father, and a conscientious provider for his family. This is attested to by letters from the pastor of his church, his former employers, his landlady, and the report from the Department of Justice.

Mrs. Cardenas and the three small children are in desperate circumstances which are further complicated by the recent discovery of an early stage of cancer in the mother. The mental anguish of the mother is incalculable when she thinks of the possibility of her three American children growing up without benefit of either mother or father.

I am sure the members of this committee will understand the tragic plight of this American family. I know you will appreciate the comfort in time of sickness, the personal care and attention to the children, and the provision of the actual necessities of life that the father will provide if he is granted permanent residence in this country.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2315) should be enacted.

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Calendar No. 961

84TH CONGRESS, 1st Session } SENATE { REPORT No. 954

INAKO YOKOO AND HER MINOR CHILD

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2735]

The Committee on the Judiciary, to which was referred the bill (H. R. 2735) for the relief of Inako Yokoo and her minor child, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiancee and minor child of a United States citizen and serviceman to enter the United States so that the fiancee may marry her citizen fiance and that thereafter she and the child may reside in the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are 23 and 2 years of age, respectively, and they are both natives and citizens of Japan. The elder beneficiary and Sgt. Roland K. Johnson were married in a Japanese civil ceremony sometime in 1952. However, this marriage is not considered valid for immigration purposes inasmuch as Sergeant Johnson was not physically present at the ceremony. Sergeant Johnson served in the Armed Forces during World War II and in Korea, and is presently serving another 6-year enlistment.

A letter, with attached memorandum, dated November 2, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 10044, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C. November 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10044) for the relief of Inako Yokoo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service which has custody of those files.

The bill provides that the beneficiary may be authorized to enter the United States for a period of 3 months within which to marry Roland K. Johnson, a citizen of the United States, and that in the event of their marriage within that period she shall be granted lawful permanent residence upon payment of the required visa fee. The bill further provides that upon failure of the beneficiary to marry Mr. Johnson within 3 months after her admission she shall be required to depart or be deported.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INAKO YOKOO, BENEFICIARY OF H. R. 10044

Inako Yokoo, whose true name appears to be Inako Yokoo Johnson, was born May 4, 1932, at Moji-Shi, Japan. Her child, Emiko (Hope) Johnson, was born June 28, 1953, at Fukuoka, Island of Asahi, Japan. They have never been in the United States. Information concerning them was supplied by Mr. Roy Elmer Johnson, father of Roland K. Johnson. Additional information was supplied by correspondence from S. Sgt. Roland K. Johnson, stationed with the United States Air Force, 2899 Operations Squadron, Kelly Air Force Base, San Antonio, Tex.

Mr. Johnson stated that Inako Yokoo and Sgt. Roland K. Johnson were married in a Japanese civil ceremony sometime in 1952. He also stated that while the Air Force recognizes the marriage as valid, the State Department and this Service do not. The beneficiary and her child are presently residing at 4-Chome Tonomachi, Tobata-Shi, Fukuoka-Ken, Japan. Sergeant Johnson desires to bring his wife and child to the United States. Neither has been previously married.

Sergeant Johnson was born in San Jose, Calif., on December 22, 1922. He served in the Armed Forces during World War II and in Korea, served another 4-year enlistment, and is presently serving a 6-year enlistment. He attended high school and college in San Jose, Calif. He stated that his wife's parents are deceased. At the time he met her, on November 27, 1951, she was employed as a housekeeper, and since their marriage, as a housewife. He stated that she had a common school education in Japan and has not belonged to any organizations. He submitted an official extract from the beneficiary's family register and a negative certificate of her lack of any arrest record. It appears that Sergeant Johnson has no assets. His wife and child are receiving Air Force allotments for their support.

Mr. Roy Johnson, route 1, box 156, Morgan Hill, Calif., stated that he intends to assist his son in any way possible and that his son will be heir to half of his estate. He operates a walnut ranch which he estimates is worth from $25,000 to $30,000, has deposits in building and loan companies approximating $25,500, stocks and bonds valued at about $7,000, and mortgages which he owns with a value of about $8,500, or total assets of about $44,104.84. He has an income of about $2,000 per year from his walnut ranch, earns around $1,000 a year as a part-time linotype operator, and has an income of between $175 and $200 per month from his investments.

The author of H. R. 10044, introduced in the 83d Congress for the relief of Inako Yokoo, Hon. Charles S. Gubser, has advised this Service of his intention to introduce a new bill in the 84th Congress on behalf of the beneficiary which will include her child, Emiko (Hope) Johnson.

The Director of the Visa Office, Department of State, submitted the following report dated October 18, 1954, to the Committee on the Judiciary of the House of Representatives with reference to the case:

DEPARTMENT OF STATE,
Washington, October 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 29, 1954, and its enclosures, wherein you request a report concerning the case of Inako Yokoo, beneficiary of H. R. 10044, 83d Congress, 2d session.

The American consulate at Fukuoka, Japan, has reported as follows:

"Inako Yokoo, a Japanese subject, and Roland Kenneth Johnson, a citizen of the United States, entered into a marital relationship on or about November 7, 1952, on the basis of a religious ceremony performed on that date in a Shinto Shrine located in Tachikawa City, Japan. Mr. Johnson returned to the United States on or about November 22, 1952, and has not at any time subsequent to that date returned to Japan nor been physically present in the presence of Inako Yokoo.

"On July 22, 1953, and in accordance with extant provisions of Japanese law, Inako Yokoo presented a 'notification of marriage to Roland Kenneth Johnson' to the civil authorities of Tobata City, Japan. This 'notification' does not, under Japanese law, require the presence of both parties to the marriage; if accepted by the appropriate authorities, such acceptance and registration thereof in the family register of the Japanese subject constitutes in and of itself the valid marriage; no other ceremony or act, either of a religious, customary or civil nature is legal in Japan. The notification was accepted and entered into the family register; and therefore the legal status of marriage between Inako Yokoo and Roland Kenneth Johnson was thereby effected, as of that date. Such registration was in no sense a 'validation' of any previous ceremony, but was itself the sole act creating the legal marital status, under Japanese law."

The consulate concluded that the religious ceremony did not represent a valid marriage under Japanese law and that the marriage which was registered on July 22, 1953, while valid under Japanese law is not considered a valid marriage for immigration purposes, since the contracting parties thereto were not physically present in the presence of each other and the marriage was never consummated within the meaning of section 101 (a) (35) of the Immigration and Nationality Act.

It may be added that the Immigration and Naturalization Service has advised the Department that the petition for issuance of a nonquota immigrant visa No. VP 12-1993 executed by Roland K. Johnson in behalf of his wife, Inako Yakoo Johnson was revoked on May 13, 1954, for the reason that their marriage did not constitute a valid marriage for immigration purposes under section 101 (a) (35) of the Immigration and Nationality Act.

As of this time, the Department has no information from which it could be ascertained whether the alien would be qualified in all respects to receive a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2735) should be enacted.

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Calendar No. 962

84TH CONGRESS, 1st Session | SENATE | REPORT No. 955

TERESA JURJEVIC

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2738]

The Committee on the Judiciary, to which was referred the bill (H. R. 2738) for the relief of Teresa Jurjevic, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child adopted by citizens of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 10-year-old native and citizen of Yugoslavia. She was adopted on September 6, 1952, by Mr. and Mrs. Roy Jurjevic, who are citizens of the United States. Mr. Jurjevic states that the beneficiary is the child of his nephew. The beneficiary's natural parents are unable to properly support her and they consented to her adoption. The adoptive parents are financially well able to provide for the beneficiary.

A letter, with attached memorandum, dated October 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization Service with reference to H. R. 7223, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., October 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7223), for the relief of Teresa Jurjevic, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill would grant the beneficiary nonquota status by providing that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Teresa Jurjevic, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Roy Jurjevic, citizens of the United States.

As a native of Yugoslavia, the beneficiary would be chargeable to the quota for that country.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING TERESA JURJEVIC, BENEFICIARY OF PRIVATE BILL H. R. 7223

The beneficiary, Teresa Jurjevic, is a minor child, born on January 18, 1945, at Lumbarda, Korcula, Dalmatia, Yugoslavia. She has never been in the United States. Information concerning her was supplied by sponsors, Roy and Carmel Jurjevic.

It is reported that the beneficiary is the child of a nephew of sponsor, Roy Jurjevic, and resides in Yugoslavia with her parents. Child's parents, Roy Jurjevic and Krsinic Mare Jurjevic, are unable to support beneficiary properly and consented to her adoption by the sponsors. She was adopted in District Court, Lumbarda, Korcula, Yugoslavia, on September 6, 1952, and since that time the adoptive parents have provided $50 per month for her support. They wish to bring her to the United States to live in their home and be raised as their own child. They have no children of their own, and no dependents.

Sponsor, Roy Jurjevic, is employed by L'Omellette French Restaurant, Palo Alto, Calif., and earns about $4,200 per annum. He is partially retired and works only part time. Mrs. Carmel Jurjevic is employed by the California-Oregon-Nevada Fast Freight, Inc., at a salary of $325 per month. They are well fixed financially, owning real estate valued at approximately $35,000, and they have war bonds valued at $40,000.

Sponsors have a very good reputation in the community in which they reside and are employed.

Beneficiary has been attending elementary school, Catholic parochial, since 1951.

The Director of the Visa Office, Department of State, submitted the following report to the Committee on the Judiciary of the House of Representatives concerning the case:

DEPARTMENT OF STATE,
Washington, D. C., March 5, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Teresa Jurjevic, who is the beneficiary of H. R. 7223, 83d Congress, 2d session.

A communication has now been received from the American Embassy at Belgrade which reports that the aforementioned child is registered as a nonpreference applicant on the waiting list for the Yugoslav quota with priority as of August 31, 1951. In view of the very heavily oversubscribed condition of the quota, a further protracted delay of indefinite duration is to be anticipated before a nonpreference number will become available to cover the issuance of an immigrant visa to her.

At this time, the Department has no information from which it can be ascertained whether the child in question would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2738) should be enacted.

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Calendar No. 963

84TH CONGRESS, 1st Session | SENATE | REPORT No. 956

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GEORGE RISTO DIVITKOS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2749]

The Committee on the Judiciary, to which was referred the bill (H. R. 2749) for the relief of George Risto Divitkos, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George Risto Divitkos. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 56-year-old native and citizen of Greece who last entered the United States on December 23, 1938, as a returning resident. He first entered the United States in 1916, returned to Greece in 1920, and reentered the United States in 1928, without inspection. On October 2, 1940, a deportation warrant was issued against the beneficiary on the ground that he was admitted as a quota immigrant not in possession of a valid immigrant visa and that his reentry permit was not valid because it had been procured by fraud and misrepresentation. Since 1944, the beneficiary has been employed by the Mansfield Tire & Rubber Co. as a laborer, and the president of the company heartily endorses the beneficiary.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturali-

zation with reference to H. R. 5524, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

OCTOBER 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Repressntatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5524) for the relief of George Risto Divitkos, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also would direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE RISTO DIVITKOS, BENEFICIARY OF H. R. 5524

The alien, George Divitkos, was born on May 23, 1899, in Neret, Greece. He last entered the United States at the port of New York on December 23, 1938, when he was admitted as a returning resident. On October 2, 1940, a warrant of deportation was issued against him on the ground that he was admitted as a quota immigrant not in possession of a quota immigrant visa. Further, that his reentry permit was not valid because it had been secured by fraud and misrepresentation. On November 9, 1949, suspension of deportation was granted the alien pursuant to section 19 (c) of the Immigration Act of 1917, as amended, but the Congress did not confirm the action. The alien has been granted subsequent extensions to depart voluntarily.

Mr. Divitkos testified that he first entered the United States in 1916, and that he returned to Greece in 1920 and reentered in 1928 by crossing the Niagara River from Canada. He further testified that the procured his reentry permit by concealing the fact that he had been outside the United States. Since 1944 he has worked for the Mansfield Tire & Rubber Co. at a salary of $380 per month He is a laborer and has no formal education other than a few years of elementary schooling in Greece.

The alien resides in Mansfield, Ohio. He has no relatives in the United States and there is no one in this country dependent on him for support. His wife and his married daughter reside in Greece.

Congressman Harry J. McGregor, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman and members of the committee, I am grateful for the opportunity of appearing before you this morning in behalf of legislation for the relief of George Risto Divitkos. Your records will show, I am sure, that I do not make a habit of appearing before this committee but I believe this case justifies my request that citizenship be granted to Mr. Divitkos.

Mr. Divitkos first entered the United States legally on April 13, 1916. He returned to Greece in 1920 and in 1928 reentered the country through Canada by train to Buffalo, N. Y., illegally because we had a quota system. This is the only charge against him but he freely admitted to this fact voluntarily after a return visit to Greece and legal reentry in this country in 1938. He did register under the Alien Registration Act of 1940 and also under Selective Training and Service Act. There are no relatives in the United States and no one is dependent upon him here.

Since 1944 he has worked for the Mansfield Tire & Rubber Co. at Mansfield, Ohio. The president of this company writes and I quote, "I do not hesitate to advise that this case has the popular support of a substantial and wholesome foreign born element of our community." We have filed with your committee many letters and statements from leading citizens and public officials testifying as to his excellent character and morals.

I am fully aware, Mr. Chairman and members of this committee, of the responsibilities delegated to you in determining who should enter this country and I fully realize that you cannot grant citizenship to all such requests; however, I do feel in this instance, and trust you will be in accord, that Mr. Divitkos is one who merits the favorable recommendation of your committee and that of the Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2749) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 957

BENJAMIN JOHNSON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2755]

The Committee on the Judiciary, to which was referred the bill (H. R. 2755) for the relief of Benjamin Johnson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child adopted by a citizen of the United States the status of a nonquota immigrant, which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 13-year-old native and citizen of the Philippine Islands who presently resides in that country. The beneficiary's mother was married on September 17, 1950, to Robert Harry Johnson, a United States citizen and member of the United States Navy. She was admitted to the United States for permanent residence on September 5, 1951, and is now a naturalized citizen of this country. The beneficiary was born out of wedlock and was adopted by Mr. Johnson on May 9, 1951, in the Philippines.

A letter, with attached memorandum, dated July 21, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 3626, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 21, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3626) for the relief of Benjamin Johnson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill would provide that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the beneficiary shall be held and considered to be the natural-born alien child of Mr. and Mrs. Robert H. Johnson, citizens of the United States.

According to the records of this Service, Mrs. Robert H. Johnson is not a citizen of the United States, but is a citizen of the Philippines.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING BENJAMIN JOHNSON, BENEFICIARY OF PRIVATE BILL H. R. 3626

Benjamin Johnson was born on April 10, 1942, in Cavite, Philippine Islands, and has never been in the United States. He is the illegitimate child of Pilar Ravello Johnson, a native and citizen of the Philippine Islands, who was married in Cavite on September 17, 1950, to Robert Harry Johnson, a United States citizen. Mr. Johnson was born in Stockton, Calif., on January 6, 1929. The child's mother was admitted to the United States for permanent residence on September 5, 1951, and now resides with her husband at 350–B Singleton Avenue, Alameda, Calif. The beneficiary is being cared for by one Mary Wheeler 9 Reyes Street, Caridad, Cavite, Philippine Islands, and is being supported by Mr. Robert H. Johnson.

Mr. Johnson is an enlisted man, AM–2, in the United States Navy, and earns $195 per month, plus a $77 monthly allotment to his wife, who is unemployed. Neither Mr. nor Mrs. Johnson has been previously married.

Mr. Johnson adopted the beneficiary in the Court of First Instance, Seventh Judicial District, Branch II in Cavite, Philippines, on May 9, 1951.

Since submission of the above report, the Committee on the Judiciary of the House of Representatives was advised that the mother of the beneficiary of the bill has become a naturalized citizen of the United States.

The Director of the Visa Office, Department of State, submitted the following report dated March 23, 1954, to the House committee:

DEPARTMENT OF STATE,
Washington, March 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of February 4, 1954, and its enclosures, wherein you request a report of the facts in the case of Benjamin Johnson, beneficiary of H. R. 3626, 83d Congress, 1st session.

According to a communication received from the American Embassy at Manila, an immigrant visa application for this young boy was filed on November 14, 1951. Due to the very heavily oversubscribed condition of the Philippine quota, to which he is chargeable for immigration purposes, a further extended period of waiting is to be anticipated before a number from the quota will become available to cover the issuance of a visa to him.

At this time, the Department has no information from which it can be ascertained whether the boy in question would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman George P. Miller, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

STATEMENT IN SUPPORT OF H. R. 2755

Benjamin Johnson, the beneficiary of H. R. 2755, is a 13-year-old boy who was born in Cavite, Philippine Islands. The boy's mother, Pilar Ravelo Johnson, is a native of the Philippines who was married in 1950 to Robert Harry Johnson, a natural-born American citizen.

Robert Johnson adopted his wife's son on May 9, 1951, and according to Philippine practice, the child's birth records were legally altered to show the adopted father as the real father.

The boy's father is an enlisted man in the United States Navy and is a Veteran of Foreign Wars. He earns approximately $195 a month plus a $77 monthly allotment to his wife who is unemployed.

Seaman Johnson and his wife reside in Alameda, Calif. The child is presently being cared for by Mary Wheeler in Cavite and is being supported by Mr. Johnson.

When Seaman Johnson adopted Benjamin, he and his wife apparently thought that this action would be all that was necessary to enable them to bring the child to the States with them. They then learned, however, that the boy must have an immigrant's visa. An application was filed November 1951.

The reports from the Justice and State Departments definitely state that this child is ineligible for consideration under the Refugee Relief Act and that he is eligible only for fourth preference status under the immigration law.

As you gentlemen well know, the Philippine quota is heavily oversubscribed. Because of this the boy will have to wait an indefinite number of years before an immigrant's visa is issued to him. He has already waited 4 years.

I need not point out the hardship involved to a member of our Armed Forces to have his son separated from the family with practically no chance of reunion during the child's most formative years.

Seaman Johnson has given every evidence of being an honest and upright citizen and father. This is attested to by a letter of commendation from his commanding officer (copy attached hereto) and by his support of his child during the years since his adoption. I am sure that Seaman Johnson will continue to support his child no matter how great the sacrifice. But he and his wife want to give Benjamin a home with all that a home means; and they want to give him the priceless opportunity of growing up under their personal guidance in America. I respectfully invite the committee's most earnest consideration to this request.

PACIFIC FLEET AIR FORCE,
FIGHTER SQUADRON 63,
CARE OF FLEET POST OFFICE,
San Francisco, Calif., March 4, 1954.

From: Commanding Officer.
To: Johnson, Robert H., 798 61 83, AM2, USN.
Subject: Letter of Commendation.

1. During the period August 3, 1953, to February 13, 1954, you were assigned to Fighter Squadron 63 aboard the U. S. S. *Yorktown* (CVA–10) operating in the Far East.

2. During this period you were petty officer in charge of a structure night check crew. Regardless of difficult working conditions and long hours you maintained a very efficient crew and through your untiring efforts and professional skill you helped maintain the highest aircraft availability possible.

3. It is with pleasure and appreciation that I commend you for your outstanding services.

4. A copy of this letter will be made a permanent part of your service record.

E. A. MILLER, Jr.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2755) should be enacted.

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Calendar No. 965

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 958

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ANDREW WING-HUEN TSANG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2783]

The Committee on the Judiciary, to which was referred the bill (H. R. 2783) for the relief of Andrew Wing-Huen Tsang, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Andrew Wing-Huen Tsang. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native of Hong Kong and citizen of China who last entered the United States on October 7, 1949, as a student. He attended the University of Dubuque, Dubuque, Iowa, and Harvard Business School, Boston, Mass., from 1949 to 1950, and from 1950 to 1952, respectively. The beneficiary is married and his wife is presently attending Columbia University, having been admitted to this country as a student. The beneficiary is employed by the Johns-Manville Corp. and officials state that his education, training, and ability are such that his services are urgently needed by the company.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8510, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JUNE 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8510) for the relief of Andrew Wing-Huen Tsang, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien the status of permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDREW WING-HUEN TSANG, BENEFICIARY OF H. R. 8510

The beneficiary Andrew Wing-Huen Tsang, also known as Tang Vinh-Huyen and Tsang Wing-Huen, a native of Hong Kong and a citizen of China, was born on December 9, 1923. He entered the United States at the port of New York on October 7, 1949, as a student. He has received several extensions of his student status, the last to January 1, 1954. His application for status as a permanent resident under section 245 of the Immigration and Nationality Act of 1952 was denied for the reason that a visa was not immediately available to him as the first-preference portion of the Chinese racial quota was oversubscribed. He was required to depart from the United States on or before April 11, 1954. He failed to depart within the time allotted him and has remained in the United States.

The beneficiary attended elementary school in Indochina from 1929 to 1935; high school in Hong Kong and Indochina for a period of 5½ years, and Lingnam University in Canton, China, from 1946 to 1949. He has studied at the University of Dubuque, Dubuque, Iowa, and Harvard Business School, Boston, Mass., from 1949 to 1950 and from 1950 to 1952, respectively.

The beneficiary is married and his wife, who is in the United States on a student's visa and is presently attending Columbia University, New York, N. Y., resides with him at 307 West 79th Street, New York, N. Y. He is presently employed as a junior technician by the Johns-Manville Corp., New York, N. Y., at a salary of $4,300 yearly.

His assets consist of a $700 savings bank account and personal effects valued at approximately $2,000. His mother, 2 sisters and 2 brothers reside in Hong Kong. His father resides in French Indochina.

Congressman Dewey Short, the author of the bill, submitted the following letter in support of the bill:

JOHNS-MANVILLE CORP.,
New York, N. Y., March 22, 1954.

Re Mr. Andrew Wing-Huen Tsang

Hon. DEWEY SHORT,
Representative in Congress,
Old House Office Building, Washington, D. C.

MY DEAR MR. SHORT: In a talk with Mr. Clyde Barnett, special representative of the government department of the Johns-Manville Corp., and Mr. Andrew Tsang, I was asked to furnish you with the necessary information relative to a private bill in behalf of Mr. Tsang.

We consider Mr. Andrew Tsang a valuable, permanent employee, whose education, training, and ability qualify him for a job of great value to Johns-Manville. In support of this private bill for someone whose services are urgently needed in the United States, we describe below the nature of the services he performs for us, the contribution of these services to Johns-Manville and the United States economy, his education, training, and experience which fit him to perform these services, and our continuing efforts to secure similarly qualified employees.

Nature of job.—Mr. Tsang is a financial analyst with a starting grade of technician. He is employed by the comptroller for financial analysis, whose responsi-

bilities cover the administration of the budget program, the appraisal of proposed capital expenditures, the analysis of operations, and the preparation of forecasts of sales and earnings.

Contribution to Johns-Manville.—The services performed by financial analysts are directly related to the planning of the operations of the company. The budget program makes possible the control of the continuing expenses of operation and, therefore, of profits. The appraisal of proposed capital expenditures ensures that the funds of the company will be wisely reinvested in the business. The analysis of operations points out to management the areas in which performance can be improved. Finally, the long-term forecasts of sales and earnings, which relate both to products presently manufactured and to new products which are being considered, enables management to plan the future course of the business.

It seems to us that the continuously expanding economy of the United States—of which Johns-Manville is a part—requires an increasing number of people qualified for this type of work.

Education, training, and experience.—Mr. Tsang graduated from the University of Dubuque (Iowa) in 1950 with the degree of bachelor of science in the field of business administration. He then attended the Harvard Graduate School of Business Administration, and received the degree of master of business administration in 1952.

All financial analysts in Johns-Manville receive training in the budget program and in analytical studies. At the outset, they are assigned to assist more experienced analysts and, eventually, are assigned problems directly. The training period usually requires a minimum of 2 years before the trainee has sufficient experience to work with less supervision. During his training, as in his later work, the analyst is given every opportunity to exercise initiative and judgment.

Mr. Tsang's experience to date has been along these lines.

Efforts to secure qualified personnel.—We usually select our personnel for financial analysis through the publication at colleges and universities of descriptions of the positions available in Johns-Manville, and through several interviews with each applicant for such positions.

In 1952, close to 80 applicants for the position Mr. Tsang holds were interviewed by the comptroller for financial analysis and by his assistants. Of these, Mr. Tsang and one other were engaged for permanent employment. It can be seen from this that the job requires people of unique qualifications.

From the foregoing, it can be seen that the services performed by Mr. Tsang make a real contribution to the success of Johns-Manville, and therefore to the United States economy as a whole, and that persons qualified for this type of work are scarce.

Personal data.—Date of entry: October 7, 1949. Place of entry: New York City. Status: Student. Age: 30. Place of birth: Hong Kong. Address: 425 Riverside Drive, Apartment 10–C, New York 25, N. Y. Parents in Saigon, French Indochina.

Mr. Tsang has been denied an application for permanent residence under section 245 of the Immigration and Nationality Act because the first-preference portion of the Chinese racial quota is now oversubscribed. Having been born in Hong Kong, he does not qualify under section 6 of the Refugee Act, and it is because of this that we are asking for this action.

I am enclosing an extra copy as you requested.

Very truly yours,

EDMUND B. FAULKNER,
Employment Manager.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2783) should be enacted.

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Calendar No. 966

84TH CONGRESS *1st Session* | SENATE | REPORT No. 959

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EMELDA ANN SCHALLMO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2947]

The Committee on the Judiciary, to which was referred the bill (H. R. 2947) for the relief of Emelda Ann Schallmo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Emelda Ann Schallmo. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of the British West Indies, who last entered the United States on September 1, 1948, by falsely claiming to be a citizen of the United States. She first entered the United States as a visitor on July 18, 1945. The beneficiary was married to Robert J. Schallmo on October 20, 1952, and they have one child, who is a citizen of this country. The beneficiary's husband is a native-born citizen of the United States and is employed as a machine operator.

A letter, with attached memorandum, dated April 26, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7363, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

APRIL 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7373) for the relief of Emelda Ann Schallmo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the wife of a United States citizen, Mrs. Schallmo is entitled to nonquota status in the issuance of an immigration visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMELDA ANN SCHALLMO, BENEFICIARY OF H. R. 7363

Emelda Ann Schallmo, a native and citizen of British West Indies was born at Roseau, Dominica, British West Indies, on March 1, 1919. She first entered the United States as a visitor on July 18, 1945. She was readmitted to the United States after a short visit to Canada on September 1, 1948, at Buffalo, N. Y., by falsely claiming birth in Dallas, Tex. Deportation proceedings were instituted against her on January 4, 1949, on the grounds that at time of entry she was an immigrant not in possession of a valid immigration visa; that she did not present a valid passport or document in lieu of passport and that she entered by false and misleading statements. The record indicates that Mrs. Schallmo was granted voluntary departure on June 28, 1951. Such voluntary departure was last extended on January 28, 1954, for a period to expire on March 29, 1954.

The alien, before coming to the United States, lived in Canada from July 1930 until July 1945. In 1935, at the age of 16, she spent about 9 months in the Ontario Hospital School, Orillia, Canada. Psychometric examination gave her a mental age of 9 years and intelligence quotient of 0.57. The alien was examined at the Public Health Service, United States Marine Hospital, Buffalo, N. Y., on March 15, 1949, and examination failed to substantiate any basis for feeblemindedness. The beneficiary was first married to Eric Barnes on September 12, 1942, in Toronto, Ontario, but the marriage was not valid since Mr. Barnes was already married. Her second marriage to Angus C. Douglas, a United States citizen at Buffalo, N. Y., on November 2, 1949, was annulled on September 12, 1952. The beneficiary married her present husband, Robert J. Schallmo, in Buffalo, N. Y., on October 20, 1952. He is a native-born citizen. A child was born to them on January 2, 1953.

The beneficiary is presently residing with her husband and infant native-born child at 369 Michigan Avenue, Buffalo, N. Y. They have no assets. Mr. Schallmo is employed at the East Delavan Plant of General Motors, Chevrolet division, Buffalo, N. Y., as a machine operator. He earns $75 per week.

Congressman John R. Pillion, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 18, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Old House Office Building.

DEAR CHAIRMAN WALTER: I respectfully request the members of the Subcommittee on Immigration to give favorable consideration to H. R. 2947 on behalf of Mrs. Emelda Ann Schallmo.

Mrs. Schallmo is the wife of an American citizen who is an honorably discharged veteran of World War II, and the mother of a 2-year-old son also a citizen. Should a deportation order be enforced in this case exceptional hardship would result not only to Mrs. Schallmo but to her husband and child. Mrs. Schallmo is without family ties on the island of Dominica, British West Indies, where she was

born and the financial burden of her returning there would be an additional hardship to the family.

I am submitting a number of statements and affidavits of neighbors and persons who know Mrs. Schallmo and her family attesting to her good character and reputation in the community in which she lives.

I am confident that she is a person of good character and is worthy of United States citizenship.

I ask your earnest consideration for favorable action upon H. R. 2947.

Sincerely yours,

JOHN R. PILLION.

THE COUNCIL,
City of Buffalo, March 15, 1955.

To Whom It May Concern:

I am writing this letter on behalf of Mrs. Emelda Ann Schallmo of 369 Michigan Avenue, Buffalo, N. Y.

I have known Mr. Robert Schallmo, Mrs. Schallmo's husband, and his family for the past 15 years. Their reputation in the community is beyond reproach and Robert served in the armed services during World War II. Mrs. Schallmo I have known for the past 3 years since her marriage to Robert. She has been an asset to our community, well knowing her interests in community affairs on behalf of children and her church.

I can sincerely vouch for Mrs. Emelda Schallmo's reputation and her earnest desire to be a well-rounded citizen, a good wife and mother. She has a boy, Brion, age 2 years, and in my encounter with the child one could readily see that the mother certainly has taken care of this child admirably.

Therefore, I respectfully request that Mrs. Schallmo's petition and case be given very careful and favorable consideration.

Thanking you for your kind attention, I remain,

Very truly yours,

ANTHONY R. LOMBARDO.

MARCH 14, 1955.

To Whom It May Concern:

Mrs. Emelda Ann Schallmo of 369 Michigan Avenue, has been known to me for the past 5 years, and to the best of my knowledge and experience, she has always been an excellent citizen, a model of sobriety and has never been in trouble with the police at any time.

Respectfully,

JASON PARKER,
Detective, Seventh Precinct, Buffalo Police Department.

ST. MARY'S RECTORY,
Buffalo, N. Y., March 10, 1955.

To Whom It May Concern:

This is to certify that, to the best of my knowledge, Mrs. Emelda Ann Schallmo is a member of our parish in good standing.

Therefore, I earnestly recommend that Mrs. Schallmo's petition and case be given very careful and favorable consideration.

Sincerely,

(Rev.) JOHN HIGGINBOTHAM, C.SS.R.
Assistant Pastor.

BUFFALO, N. Y., *March 14, 1955.*

Re Mrs. Emelda Ann Schallmo

Hon. JOHN PILLION,
Congressman, Washington, D. C.

DEAR CONGRESSMAN PILLION: Mrs. Schallmo has been a patient of mine for the past 4 years and is of stable character and shows responsibility for her obligations.

I feel that she was making an excellent citizen and any consideration given this matter would be deeply appreciated.

Very truly yours,

RICHARD J. BUCKLEY, M. D. F. A. C. S.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2947) should be enacted.

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Calendar No. 967

84TH CONGRESS, 1st Session | SENATE | REPORT No. 960

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ASSUNTINO DEL GOBBO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3048]

The Committee on the Judiciary, to which was referred the bill (H. R. 3048) for the relief of Assuntino Del Gobbo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Italy, who presently resides in Canada. He married a citizen of the United States in Canada on April 30, 1951. The record discloses that the beneficiary was convicted in 1945 in Italy for the theft of a bicycle. He was sentenced to 10 months' imprisonment and fined. The sentence was suspended. The beneficiary is presently employed in Canada as a body man in a garage, and without the waiver provided for in the bill, he will be unable to qualify for a visa to enter the United States and join his citizen wife.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 3269, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3269) for the relief of Assuntino Del Gobbo, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of these files.

The bill is intended to exempt the alien from the excluding provision of section 212 (a) (9) of the Immigration and Nationality Act which relates to aliens convicted of crimes involving moral turpitude, if he is found to be otherwise admissible under the provisions of that act. It would also provide that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ASSUNTINO DEL GOBBO, BENEFICIARY OF H. R. 3269

Assuntino Del Gobbo, a native and citizen of Italy, was born on March 7, 1927. He has never been in the United States and presently resides at 700 Clifton Street, Niagara Falls, Ontario, Canada. He has a grammar school education and is an automobile body repairman by occupation. He served in Italian Army during World War II for 2 years.

Mr. Del Gobbo married Stella Del Gobbo, a citizen of the United States, on April 30, 1951, in Niagara Falls, Canada. On August 13, 1952, the beneficiary was refused an immigration visa by the American consulate at Niagara Falls, Canada. The consulate file reflects that the beneficiary was arrested on July 27, 1945, in Limosano, Italy, for the theft of a bicycle. He was convicted and sentenced to 10 months imprisonment and fined 1,000 lire. The sentence was suspended. Mr. Del Gobbo testified he is employed as a body man at Carsan's Garage, Niagara Falls, Canada, and earns $1.25 per hour. He owns half interest in a $7,000 house in Niagara Falls, Canada; a 1949 Monarch car valued ot $800 and has about $400 in the bank.

Mrs. Del Gobbo, the beneficiary's wife and sponsor, resides with her parents at 2502 Highland Avenue, Niagara Falls, N. Y. She is employed as a laundress at Walkers Laundry, Niagara Falls, N. Y., and earns about $30 per week. She has about $1,000 in savings. She testified that she has known her husband practically all her life but didn't know about his arrest and conviction. She further testified that although she wants to reside in the United States, she will go to Canada and reside there with her husband if he is not allowed to enter the United States.

Congressman William E. Miller, the author of the bill, submitted the following letter and documents in support of the bill:

NIAGARA FALLS, N. Y., *February 25, 1954.*

Re Assuntino Del Gobbo, H. R. 3269, private bill

Hon. WILLIAM E. MILLER,
Member of Congress,
House Office Building, Washington, D. C.

DEAR BILL: We desire to submit the following information with reference to the above entitled bill which is now pending before the Judiciary Committee of the House of Representatives:

The above named was born in the town of Limosano, Province of Campobasso, Italy, on March 7, 1927. He emigrated from Italy to Canada, and was married to Stella Odalarata Fiorucci on April 30, 1951, at Niagara Falls, Ontario, Canada. His wife is a United States citizen, and resides with her father in the city of Niagara Falls, N. Y.

Upon their marriage, his wife immediately petitioned the United States Immigration Service for a nonquota status on behalf of her husband. The above named filed all of his documents with the American consul, which included a certificate of good conduct which showed that the above named was a person of good

conduct, and all of the other necessary documents required to obtain a permanent immigration visa to the United States.

Upon the receipt of the security clearance from Italy it was discovered that the above named was convicted on February 1, 1946, for having taken from the house of Roberto Luciani, situated in the countryside of Limosano, the door of which could be unlocked with a key which he, the accused, took from the hiding place where the owner had put same, a bicycle on July 27, 1945. That at the time of the alleged commission of the crime, the above named had just passed his 18th birthday. If he had been under 18 years at the time, he would be admissible under the Immigration and Naturalization Act of 1952, but due to the fact that he was over 18, the American consul could not waive this crime, and he was denied a visa, based upon the fact that he was convicted of a crime involving moral turpitude. The above named stated that he was a good friend of Roberto Luciani and on previous occasions was permitted by the said Roberto Luciani to use his bicycle, and that he knew where the key was concealed and was permitted by the said Roberto Luciani to use the same in order to obtain the said bicycle.

Upon the trial of the issues the court found the above named guilty and imposed a fine and sentenced him to 8 months in jail, which sentence and fine were suspended.

Certainly the facts show that this was not a crime of a vicious nature. The fact that the court suspended sentence shows that the crime was not considered by the court as a serious one.

The above named's wife is residing with her father while the above named resides at Niagara Falls, Ontario, Canada. It is the desire of his citizen wife to have her husband join her and make a home in the United States, where she desires to live in association with her family and friends. His citizen wife has no family or friends in Canada, but her family ties are all in the United States, and it is impossible for her to live in Canada as she is required to be with her mother and father. The above named has no family ties in Canada and would like to join his wife in the United States.

This case merits consideration in view of the fact that the above named has a clear record except for the one conviction that he had back in 1945. He has been a person of good moral character and a very dutiful and considerate husband to his wife. If he had been born 6 months later he could take advantage of the Immigration Act of 1952 which permits an alien who had been convicted of one crime while under the age of 18 years to be granted a visa and be admitted, if the crime was committed more than 5 years prior to the date of the application for a visa or other documentation, and more than 5 years prior to the date of application for admission to the United States, unless the crime resulted in confinement in a prison or correctional institution, in which case such alien must have been released from such confinement more than 5 years prior to the date of the application for a visa or other documentation and for admission to the United States.

In view of this situation, it is self-evident that the above-named would be able to obtain a visa if he had been under the age of 18 years at the time of the commission of said crime. We believe that this is a case that warrants consideration. There is no administrative relief available to this alien, and under all of the facts and circumstances we feel that the passage of this bill is justifiable.

We are enclosing for your information original document and translation of the court record in this case, and also original document and translation of a certificate of pending penal charges.

We would like to appear before the committee at the time a hearing is called in this case, and would appreciate your interest in it. If there is any additional information that you may require, will you kindly communicate with us.

Thanking you for your kind courtesies and cooperation, we remain

Yours very truly,

HOVEY & KUSHNER,
By ABRAHAM R. KUSHNER.

HUMBERT OF SAVOY

PRINCE OF PIEDMONT LIEUTENANT GENERAL OF THE REALM

THE PENAL TRIBUNAL OF CAMPOBASSO (Only Session), composed of the Magistrates:

1st) Doctor Chevalier Ettore Sabetta, Acting President;
2nd) Doctor Alberto De Santis, Judge;
3rd) Doctor M. Michele Cefaratti, Judge;

has pronounced the following

SENTENCE

in the criminal case

AGAINST

ASSUNTINO DEL GOBBO, son of Angelo, 19 years old, from Limosano—Present

ACCUSED

of the crime as per articles 624–625 n.2 P. C. for having taken from the house of Roberto Luciani, situated in the countryside of Limosano, and the door of which could be unlocked with the key which he, the accused, took from the hiding place where the owner had put same, a bicycle worth 25.000 Lire, on July 27, 1945. As the outcome of today's debate which took place in the prescribed form.

FACT AND RIGHT

It is maintained, in fact, that with the report dated July 30th, 1945, the Royal Carabinieri of Limosano, denounced Assuntino Del Gobbo for the crime as stated.

It is maintained, that having been sent for trial before this Tribunal, in today's public debate, it has been shown that Del Gobbo, knowing the place where Roberto Luciani had hidden the key to the warehouse in which his bicycle had been stored, secretly and without the consent of the said owner, the accused took it to go to Montagano, and, instead of returning it—as the accused alleged—it was found by the Royal Carabinieri, who had been appealed to by Luciani, under some bundles of fire wood away from the house. Considering that the facts are as stated, it is evident the guilt of the accused in the crime to him charged, both objectively and subjectively, the crime of theft as charged.

His protestations of innocence cannot be believed, indeed, because, if he, having taken advantage of his friendship with Luciani, had used the bicyle with the intention of returning same, he would not have hidden same under the bundles of fire wood, where it was found by the Carabinieri. However, because of his good past, Del Gobbo is hereby given the general extenuants, and is sentenced to eight months of jail and a fine of one thousand Lire, with the benefit of suspension, conditionally, of the sentence. Because the guilty one is compelled to pay the expenses of the trial.

P. T. M.

THE TRIBUNAL, under articles 624–625 n.2,62 bis P. C. 483–488 P. P. C., declares Assuntino Del Gobbo guilty of the crime charged, with the general extenuants, and sentences him to eight months in jail and One thousand Lire in Fine, in addition to the payment of the trial expenses.

Under articles 163 P. C. 487 P. P. C. orders the suspension of the execution of the sentence imposed, for a period of five years, in accordance with the law.

Campobasso, under date of February 1st, 1946. Signed Ettore Sabetta—Acting President—Signed Alberto De Santis—Judge—Signed M. Michele Cerafatti—Judge. There is also affixed the signature of the Chancellor—Mario Prisco.

This is a copy of the original on file at the Chancery of the Tribunal of Campobasso, which copy is given upon request of Assuntino Del Gobbo for the uses permitted.

Campobasso, under date of January 5th, 1953.

(Signed) The Chancellor M. PRISCO.

Examined for the legalization of the signature of Mr. Mario Prisco chancellor of this Tribunal.

Campobasso, January 5th, 1953

The President
Signed (Dr. MARIO MICHELE CEFARATTI)
MINISTRY OF JUSTICE

Examined for the Legalization of the Signature of Mr. M. M. Cefaratti
Roma, JANUARY 12, 1953.

(Signed) The Chancellor in charge.

I hereby certify that Pages 1, 2, 3 and 4 are the accurate translation of a document in Italian pertaining to the trial and sentence of Assuntino Del Gobbo, as submitted.

February 12, 1954.

MICHAEL R. BROCIA,
155 Devonshire Road, Kenmore, 23, N. Y.

TOWN OF LIMOSANO, PROVINCE OF CAMPOBASSO

CERTIFICATE OF PENDING PENAL CHARGES

LIMOSANO, *July 10, 1951.*

Reason for issuing the certificate: Entry in Niagara Falls, N. Y., of Mr. Del Gobbo Assuntino, son of Angelo and Di Greco Teresina, born in this town of Limosano on March 7, 1927.

To the Secretary of the District Court of the Republica Civil and Penal of the Court of Campobasso:

I kindly request the secretary of the District Court of Campobasso to let me know in writing if it is any penal charges or conviction decree against the above named person that would be a reason to evitate his entry in the U. S. of America (Niagara Falls, N. Y.).

The Mayor
G. CHIOCCHIA.

COURT OF THE REPUBLICA, CAMPOBASSO.

Having examined the registry of the records in this office, we affirm that no pending penal charges or conviction decree has been issued against said person.

Campobasso, July 12, 1951.

The Secretary
(Signature illegible)

Seen for the legalization of the signature of Mr. Egidio Trivisonno.

The president of the District Court VITO VARRONE.

[Stamp and seal of the District Court of Campobasso]

I, the undersigned, certify that the above is a true translation of the Certificate of Pending Charges of Mr. Del Gobbo Assuntino issued by the District Court of Campobasso.

[SEAL]

MARY BARONE,
Notary Public, State of New York.

My commission expires March 30, 1953.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3048) should be enacted.

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Calendar No. 968

84TH CONGRESS, 1st Session | SENATE | REPORT No. 961

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GIUSEPPA ARSENA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3270]

The Committee on the Judiciary, to which was referred the bill (H. R. 3270) for the relief of Giuseppa Arsena, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppa Arsena. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 41-year-old native and citizen of Italy who last entered the United States on February 23, 1953, as a visitor to visit her mother. The beneficiary resides with her married sister and spends her time caring for her aged mother, who requires constant nursing and medical care. The beneficiary's sister is partially disabled and is unable to perform the necessary care for their mother. The beneficiary also has a brother in this country, who provides her support.

A letter, with attached memorandum, dated July 15, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8841, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 15, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to bill (H. R. 8841) for the relief of Giuseppa Arsena, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Buffalo, N. Y., office of this Service which has custody of these files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION FILES RE GIUSEPPA ARSENA, BENEFICIARY OF H. R. 8841

Giuseppa Arsena, a native and citizen of Italy, was born on May 17, 1914. She first entered the United States on February 23, 1953, when she was admitted as a visitor, to visit her mother, to August 22, 1953, extended to February 22, 1954. The beneficiary's application for adjustment of her status to that of a permanent resident was denied on March 11, 1954, and reaffirmed on appeal by the Assistant Commissioner on May 3, 1954. On June 16, 1954, a warrant of arrest was issued against the beneficiary on the grounds that after admission as a visitor for pleasure, she failed to comply with the conditions of such status.

The beneficiary is single and resides with her married sister at 3459 Sutton Road, Cleveland, Ohio. She is not employed but spends her time caring for her aged and ill mother. The beneficiary has also living in the United States a brother, Matteo Arsena, upon whom she is dependent for support. She has no assets or income of her own.

A visa petition submitted by Matteo Arsena in behalf of his sister, the beneficiary, has been approved.

Congressman Michael A. Feighan, the author of the bill, submitted the following documents in support of the bill:

CLEVELAND, OHIO, *March 1, 1955.*

Re Anna Marie Arsena, 3459 Sutton Road, Cleveland, Ohio.

MR. F. X. FEIGHAN,
National City Bank Building, Cleveland, Ohio.

DEAR SIR: Mrs. Anna Maria Arsena has been under my constant care for the past several years. Mrs. Arsena is in her middle eighties and her health has been declining quite steadily. Especially since her husband's death a few years ago.

Mrs. Arsena is in need of constant care, both nursing and medical. One other daughter, with whom she lives, Mrs. Bessie Bisiquino, has a marked hypertension and is partially crippled, so practically 100 percent of the burden of caring for her mother rests on Giuseppa, the younger daughter, who has recently been visiting from Italy.

It is my honest and sincere opinion that under the circumstances Giuseppa becomes quite necessary in regard to the care her mother sorely needs.

Sincerely,

CHRISTOPHER A. COLOMBI, M. D., FACS.

ST. HENRY'S CHURCH,
Cleveland, Ohio, February 22, 1955.

To Whom It May Concern:

As pastor and spiritual director of the Matteo Arsena family, I can qualify as to the spiritual and moral integrity of the whole family. I have known this particular family for the past 2 years and more, as members of my parish. I can assure you of the fact they are devoted to both their God and country, as citizens and Catholics. I hold in high esteem their moral qualifications which today are

essential to being God-fearing people and a credit to those who know them as personal friends and good neighbors.

Anything further that may be necessary on my part as to their fine family qualities, I would be only too willing to add and verify.

Sincerely yours,

[SEAL]

Rev. JOHN A. HREHA, *Pastor*,
Per Rev. P. O'SHAUGHNESSY.

THE CLEVELAND TRUST CO.,
Cleveland, Ohio, February 17, 1955.

To Whom It May Concern:

For the purpose of assisting Mr. Matt Arsena in obtaining approval of a private bill in Congress, the effect of which will be to hold and consider Miss Giuseppa Arsena to have been lawfully admitted to the United States for permanent residence, it is certified that Mr. Matt Arsena has been a depositor in this bank since 1942.

Mr. Matt Arsena has maintained both checking and savings accounts in this bank in his name only and/or jointly with his wife, Elizabeth Arsena.

Our relationship has been entirely satisfactory and we have high regard for Mr. Arsena's ability and character. We believe him to be able and willing to assume responsibility for the support and comfort of his sister, Miss Giuseppa Arsena, so that she will not become a public charge if permitted to remain in this country.

Very truly yours,

E. H. DUMONT, *Manager*.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3270) should be enacted.

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Calendar No. 969

84TH CONGRESS, 1st Session | SENATE | REPORT No. 962

EVELINE WENK NEAL

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3504]

The Committee on the Judiciary, to which was referred the bill (H. R. 3504) for the relief of Eveline Wenk Neal, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of crimes involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Germany who presently resides in that country. On August 27, 1953, the beneficiary married Charles Franklin Neal, who was serving with our Armed Forces in Germany. They are parents of one citizen child and the beneficiary was expecting the birth of a child in July 1954. In addition, the beneficiary has another child born out of wedlock. The record discloses that the beneficiary was convicted on May 9, 1946, for the crime of theft and sentenced to pay a fine. On March 5, 1953, the beneficiary was convicted of having an abortion performed in 1948, and she was sentenced to 3 weeks imprisonment. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her children to this country to join the husband and father.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8811, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
United States House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8811) for the relief of Eveline Wenk Neal, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill provides that the beneficiary may be admitted to the United States for permanent residence, notwithstanding the provisions of the Immigration and Nationality Act, which exclude from admission aliens who have been convicted of a crime involving moral turpitude. It further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

As the wife of a United States citizen, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING EVELINE WENK NEAL, BENEFICIARY OF H. R. 8811

Eveline Wenk Neal has never resided in the United States and the factual information concerning her background was supplied this Service by her husband and sponsor of the private legislation, Mr. Charles F. Neal, 1705 North Third Street, St. Charles, Mo. Mr. Neal stated that the beneficiary was born on April 15, 1926, in Germany; is a citizen of Germany and has always resided in that country. He stated that she has one child, a son, Joachim Wenk, born July 11, 1951, in Ansbach, Germany, out of wedlock, and that the child's father was a German national whose name is unknown to the sponsor. He stated this child presently resides with the beneficiary's mother and father in Ansbach, Germany. He stated the beneficiary had an abortion performed in 1948 and that she was tried and convicted in Leubeck, Germany, on a charge of abortion in March 1953 and sentenced to 3 weeks' confinement or the payment of 200 marks. He stated that in May 1946 the beneficiary was convicted of theft in Hanover, Germany. He stated that the beneficiary had told him that she had attempted to borrow money from an aunt in Leubeck for the purpose of buying food and that when the aunt refused the loan the beneficiary had taken some of the aunt's money.

The sponsor, Charles Franklin Neal, was born in St. Louis, Mo., on December 17, 1925, and is a citizen of the United States. He has always resided in the United States and was raised mostly in St. Charles, Mo. He has resided at his present address since 1933. He served in the United States Army from September 7, 1950, until June 16, 1953, and was discharged with the rank of sergeant. He served overseas in Germany for about 2 years from February 1951 until May 1953. While serving with the United States Army in Germany he met the beneficiary whose maiden name was Eveline Lenore Wenk and married her in Weisbaden, Germany, on August 27, 1953. He was never previously married and neither was the beneficiary. The sponsor and the beneficiary have one child, a daughter, Jeanine, born March 4, 1953. This daughter is presently residing with the beneficiary in Weisbaden, Germany. The beneficiary is now pregnant and expecting the arrival of another child in July of 1954. Subsequent to the sponsor's discharge from the United States Army he returned to Germany for a visit and was there from August 1953 to October 1953. The sponsor is presently employed as a carpenter by his stepfather, Mr. J. H. Stonebraker, in St. Charles, Mo., and earns an average of $50 to $75 per week.

The committee may desire to make inquiry of the Department of State in order to secure additional information and background concerning the conviction of the beneficiary for the crime of abortion in 1953 and the conviction for the crime of theft in 1946.

The Director of the Visa Office, Department of State, submitted the following report dated April 26, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, April 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of April 15, 1954, and its enclosures, wherein you request a report of the facts in the case of Mrs. Eveline Wenk Neal, beneficiary of H. R. 8811, 83d Congress, 2d session.

The Department has on file a communication from the American consulate general at Frankfort which reports that on May 9, 1946, Mrs. Neal was convicted by the district court at Hannover for theft, in violation of paragraph 242 of the German Penal Code, and sentenced to pay a fine of 40 reichsmarks—in lieu of 20 days of imprisonment. On March 5, 1953, she was convicted by the court of jurors at Luebeck for abortion, in violation of paragraph 218 of the German Penal Code and sentenced to 3 weeks of imprisonment.

The crimes of theft and abortion have been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Neal.

At this time the Department has no knowledge of any factor in Mrs. Neal's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Neal from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman Clarence Cannon, the author of the bill, submitted the following letters in support of the bill:

AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, March 8, 1954.

Hon. CLARENCE CANNON,
House of Representatives.

MY DEAR MR. CANNON: I acknowledge the receipt of your letter of February 17, 1954, requesting information on behalf of your constituent, Mr. Charles F. Neal, regarding the immigration visa application of his wife, Mrs. Eveline Neal, nee Wenk, residing at 20 Manteuffelstrasse, Wiesbaden, Germany.

Mrs. Neal's dossier indicates that she is the beneficiary of an approved petition executed on her behalf by her husband, which accords her nonquota status as the alien wife of an American citizen. Customary security investigations initiated in connection with her visa application revealed that she has been convicted on two occasions for crimes involving moral turpitude. She is, therefore, inadmissible to the United States under section 212 (a) (9) of the Immigration and Nationality Act.

You may be sure that in reaching a decision with regard to Mrs. Neal the consulate general accorded her every consideration consistent with the existing immigration law and regulations.

Sincerely,

C. MONTAGU PIGOTT,
American Consul General.

ST. CHARLES, MO., *March 18, 1954.*

In re visa for my wife, Evelyn L. Neal.

Hon CLARENCE CANNON, *Washington, D. C.*

DEAR CONGRESSMAN CANNON: Today I received a letter from my wife stating the consul had returned all her papers for visa, stating that on account of an abortion performed several years before I met and married her, that she cannot come to the States.

The party that did this was arrested on some other case, and she told the names of all the persons she had performed an abortion, and, of course, Evelyn's name was among the list. She was called upon, never confined in any jail, or such, but was assessed a fine.

I knew all about this before I married Evelyn, and while I was there in Wiesbaden, returning after being discharged in June, she went to apply for her German passport, the police were told about this, and she was told in return that she need not worry that no one would see any of the papers, that her records were cleared. I am giving you all these details as I know them as I believe the consul will be writing to you, and you need to know the truth about everything so you will be able to help me and my family.

I am told that you can present special legislation to take care of any such as this. Will you please do so as I am so concerned about my wife, daughter who is 1 year old, and my unborn child. I believe I have done sufficient duty for my country to warrant such as this, as I served with the merchant marines during World War II in the invasion of Normandy and all along the coast of France. In fact, I was in the merchant marines over 7 years, then over 2 years in the Army in Germany. I want to be with my family and to raise my children to be Americans. I do not want to live in any other country as I think this is the most wonderful place on earth, so you see why I am writing to you as you are my last resort to have my family brought to the United States. I know Evelyn will be a good citizen and I love her with all my heart, and cannot see being parted from her and my children. And, when the baby is born, I want it to be born here in the States. As you know, Evelyn is 5 months pregnant, or a few weeks over, so please help me. Otherwise, what is to become of them and what am I to do?

Trusting with all my heart that you will see to this personally and do whatever you deem necessary, I am

Sincerely yours,

CHARLES F. NEAL.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3504) should be enacted.

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Calendar No. 970

84TH CONGRESS, 1st Session | SENATE | REPORT No. 963

OLGA I. PAPADOPOULOU

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3624]

The Committee on the Judiciary, to which was referred the bill (H. R. 3624) for the relief of Olga I. Papadopoulou, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 13-year-old native and citizen of Greece who presently resides in that country with her grandparents. She was born out of wedlock and her mother married Adamos Pashoukos, a United States citizen, on June 18, 1951, and was subsequently lawfully admitted for permanent residence on December 19, 1952.

A letter, with attached memorandum, dated July 23, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8185, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8185) for the relief of Olga I. Papadopoulou, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be held and considered to be the natural-born alien child of a United States citizen.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLGA I. PAPADOPOULOU, BENEFICIARY OF H. R. 8185

Information concerning the beneficiary was furnished by her stepfather, Mr. Adamos Pashoukos, of 30–33 37th Street, Astoria, Queens, N. Y., who is the sponsor of the bill.

The beneficiary resides in Greece with her mother's parents. She was graduated from public school in 1953 and now attends high school.

The beneficiary was born on March 10, 1942, in Piraeus, Greece, of a father to whom her mother never became married. The mother afterwards married from which husband she obtained a divorce and subsequently married the sponsor, Mr. Adamos Pashoukos, in New York on June 18, 1951. She is a lawful permanent resident of the United States. Mr. Pashoukos is a citizen of the United States, having been natualized on December 3, 1928.

Mr. Pashoukos stated that he has been employed as a chef at the Platon Restaurant, Queens, N. Y., for the past 20 years and earns $90 a week. He has a home valued at $15,000 and other assets consisting of savings and personal effects amounting to $6,000. He contributes to the support of the beneficiary by sending her $40 a month plus food and clothing.

The Director of the Visa Office, Department of State, submitted the following report dated April 10, 1954, to the House committee with reference to the case:

DEPARTMENT OF STATE,
Washington, April 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of March 16, 1954, wherein you requested a report of the facts in the case of Olga I. Papadopoulou, beneficiary of H. R. 8185, 83d Congress, 2d session, as disclosed by the files of the Department or the files of any American consular office which may have pertinent information in the matter.

According to information recently received by the Department from the American Embassy at Athens, Greece, Miss Papadopoulou is registered in the nonpreference category of the Greek quota as of September 22, 1949, and it is further reported that no other documents have been filed in her behalf.

As the nonpreference portion of the Greek quota, to which Miss Papadopoulou is chargeable, is heavily oversubscribed, it is anticipated that she would be required to undergo a considerable period of waiting before a quota number could be allotted for her use.

There is no information available at this time from which it may be ascertained whether Miss Papadopoulou would be otherwise eligible to receive a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman James J. Delaney, the author of the bill, submitted the following statement in support of the bill:

STATEMENT RELATIVE TO H. R. 8185 FOR THE RELIEF OF OLGA I. PAPADOPOULOU, MARCH 11, 1954

Child was born on October 3, 1941, at Tavrou, Greece, and her present address is 171 Karaiskou Street, Piraeus, Greece.

Her mother Fannie married Adamos Pashoukos, an American citizen, at Jamaica, Queens County, N. Y., on June 29, 1951.

She subsequently went to Canada and was legally admitted to the United States on December 19, 1952, and she and her husband reside at 30–33 37th Street, Astoria, Long Island, N. Y.

Mr. Pashoukos subsequently filed petition I–133 for entry of his stepdaughter but this did not receive favorable action. Therefore, the bill which I have introduced would, if passed, permit the issuance of a visa for this child.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3624) should be enacted.

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Calendar No. 971

84TH CONGRESS, 1st Session } SENATE { REPORT No. 964

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GEORGE VOURDERIS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3625]

The Committee on the Judiciary, to which was referred the bill (H. R. 3625) for the relief of George Vourderis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George Vourderis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of Greece, who last entered the United States on July 3, 1948, as a seaman. While waiting to reship, he registered for the draft. He signed on a ship as a seaman, but left that ship in New Orleans, when he received word from his relatives that he had been requested to appear at the draft board for examination. He was inducted into the United States Army on January 26, 1949, and served until February 28, 1950, when he was honorably discharged as an alien without legal residence in the United States. The beneficiary has 4 brothers in this country, who are citizens, 1 of whom is serving in the United States Army. He also has a sister who has been lawfully admitted for permanent residence, and his parents are deceased.

A letter, with attached memorandum, dated January 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 6325, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JANUARY 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6325) for the relief of George Vourderis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. It should be noted, however, that the Immigration and Nationality Act does not require the payment of a head tax.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE VOURDERIS, BENEFICIARY OF H. R. 6325

George Vourderis, a native and citizen of Greece, was born on June 5, 1923. Beginning in 1946, he entered the United States on several occasions in pursuit of his calling as a seaman. On July 3, 1948, he entered the United States at Baltimore, Md., and was granted shore leave as a seaman for a period not to exceed 29 days. While waiting to reship, he registered for the draft. He signed on the steamship *Penelopi* as a seaman on October 22, 1948, but left that ship on November 9, 1948, at New Orleans, La., where he received word from his relatives that his draft board had requested him to appear for examination. He was inducted into the United States Army on January 26, 1949, and served until February 28, 1950, when he was honorably discharged as an alien without legal residence in the United States.

At the time of his discharge from the United States Army, deportation proceedings were instituted on the charge that, after admission as a seaman, he had remained longer than permitted. The alien submitted an application for adjustment of his immigration status under the Displaced Persons Act of 1948, as amended, but this was denied on June 18, 1951, for the reason that he had not established inability to return to the country of his birth, nationality, and last residence because of fear of persecution on account of his religious or political opinions. He was granted the privilege of departing voluntarily from the United States in lieu of deportation. He has not availed himself of this privilege. A warrant of deportation is outstanding.

The alien attended high school in Greece and also attended high school for approximately a year in New York City, where he has resided since his discharge from the United States Army. He is now self-employed as an ice-cream vendor and earns approximately $75 to $85 a week during 8 months of the year. During the winter months he works for a brother and earns $60 a week. His assets consist of $500 in cash, a truck, an automobile, and other personal property, valued at approximately $5,000.

The alien is single and has no one dependent upon him for support. His parents are deceased. He has 4 brothers and 1 sister residing in the United States. His brothers are citizens and one of them is serving in the United States Army. His sister was lawfully admitted to the United States for permanent residence.

Congressman James J. Delaney, the author of the bill, submitted the following letter in support of the bill:

CONFORTI, SEWARD, LANE & KOURIDES,
New York, N. Y., May 7, 1952.

Re *United States of America* v. *George Vourderis* (New York 0300/338496, Central 7183677).

Hon. JAMES J. DELANEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN DELANEY: I am general counsel for the Greek archdiocese and one of our New York City pastors has referred the above-entitled

matter to me. Our mutual friend, Mr. James Zolotas, has suggested that I write to you for help therein.

It involves the adjustment of the immigration status of George Vourderis, who resides at 77–11 35th Avenue, Queens. He is a 27-year-old native of Greece, who entered this country as a seaman on July 3, 1948. While his ship was at drydock for repairs, he registered for the draft and was inducted. He served in the Infantry for 13 months. At Fort Benning, Ga., he was directed by his commanding officer to apply for citizenship. As a result of this citizenship application, the Immigration Service requested his severance from the Army because of his illegal entry. On February 28, 1950, he received his honorable discharge, a photostatic copy of which is annexed hereto.

The alien has 4 citizen brothers and 1 sister, 3 of whom reside in Queens. He has no one to go back to in Greece. In January 1945, while residing with his parents and one other brother in Aegeon, Greece, there was a Communist raid and their home was burned down. His aged father was taken by the guerrillas as a hostage. A few days later he was killed by the raiders. Upon the discovery of his body, his mother died of a heart attack. Shortly thereafter his brother was also shot by the guerrillas. The alien is even now afraid to return to his native village in Greece.

The Board of Immigration Appeals decided on January 30, 1952, that no relief can be granted to this alien other than voluntary departure under the existing laws and upon his failure to so depart an order of deportation will have to be entered against him. Under the circumstances herein stated, the immediate introduction of a private bill is the only course left to avert this deportation.

I believe that you would be justified in introducing such a bill in this instance because of the alien's 13 months' service in the United States Army and his honorable discharge therefrom and because of the fearful persecution that he was subjected to during the Communist uprising in Greece.

As time is of the essence in this matter, I shall appreciate it very much if you will advise me at the earliest possible moment as to whether or not you can comply with the request herein.

Thanking you for this courtesy, I am

Very truly yours,

PETER T. KOURIDES.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3625) should be enacted.

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Calendar No. 972

84TH CONGRESS, 1st Session | SENATE | REPORT No. 965

MRS. NIKA KIRIHARA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3629]

The Committee on the Judiciary, to which was referred the bill (H. R. 3629) for the relief of Mrs. Nika Kirihara, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Nika Kirihara. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 78-year-old native and citizen of Japan, who last entered the United States on November 1, 1951, as a visitor. She previously resided in the United States from about 1902 until 1919, during which time 2 sons and 2 daughters were born. In addition, the beneficiary has another son born in Japan, who is a lawful permanent resident. The beneficiary has been a widow since 1920. She presently resides with one of her sons. Because of the beneficiary's advanced age, her children want her to remain in this country, rather than return to the more rigorous climate of Japan.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8939, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8939) for the relief of Mrs. Nika Kirihara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Japan.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. NIKA KIRIHARA, BENEFICIARY OF H. R. 8939

Mrs. Nika Kirihara, nee Higashi, a Japanese subject, was born in Kumamoto-ken, Japan, on February 28, 1877. Her last residence abroad was in Kumamoto-ken, Japan. She last entered the United States at Honolulu, T. H., on November 1, 1951, via Pan American Airways. She was admitted as a temporary visitor for the purpose of visiting her children residing in Hawaii who are United States citizens. She has testified that she first came to Hawaii during or about 1902 and resided here until 1919. During this period of residence in Hawaii she gave birth to 2 sons, presently living in Honolulu, and 2 daughters, presently residing in Japan. Another son, born in Japan prior to 1902, is a permanent resident alien of Hawaii and another son, born in Japan prior to 1902, resides in Japan. Subsequent to her last entry she received extensions of stay, the last of which expired April 30, 1954. Although the beneficiary appears to be amenable to deportation on the ground that, after admission as a temporary visitor, she has remained in the United States longer than permitted, deportation proceedings have not been instituted.

Mrs. Kirihara has been a widow since 1920, is unemployed, and is supported by three of her sons. One son, Paul Yoshio Kirihara, a citizen through birth in the Territory, presently residing at 1244 St. Louis Drive, Honolulu, has stated that he has been the distributor for Fram automotive parts in Honolulu for the past 15 years; that his net income after taxes for the fiscal year 1953 amounted to $15,000 and that he is able and willing to continue to be the main support of his mother, the beneficiary. Mr. Kirihara further stated that because of his mother's advanced age and declining health, it is his desire, as well as that of his brothers in Hawaii, that the beneficiary remain here rather than return to the rigorous climate of Japan.

The beneficiary is residing in Honaunau, Kona, Hawaii, with her son, Yoshiji Kirihara, a retired merchant. The latter's son, George Yukio Kirihara, the beneficiary's grandson, also resides at the same residence, together with his wife and two children. He has stated that he is a native-born citizen and that he owns and operates the Honaunau Market from which he nets, annually, between $2,500 and $3,000. He owns his own home and has expressed the desire to have his grandmother, the beneficiary, continue to reside with him.

Mrs. Joseph R. Farrington, the author of the bill, submitted the following information in support of the bill:

TSUKIYAMA & YAMAGUCHI,
Honolulu, T. H., April 23, 1954.

Re Mrs. Nika Kirihara.

Hon. JOSEPH R. FARRINGTON,
Delegate to Congress from Hawaii,
Honolulu, T. H.

DEAR JOE: This is the matter on which we exchanged correspondence some time ago.

Mrs. Kirihara, an alien, arrived in Honolulu on November 1, 1951, under a nonimmigrant visa No. 904, temporary entry permit No. V1495951, as a temporary visitor. Through previous extensions granted by the Immigration Service, she is authorized to remain in the United States up to and including April 30, 1954.

I have been informed that it is the policy of the Immigration Service not to grant more than three extensions. Mrs. Kirihara has had three extensions.

I have also been advised by the Immigration Service to the effect that an additional extension may be granted only for cause (which does not include the pendency of a private bill in Congress) and that she will be required to give bond. I have been further advised that after April 30, 1954, Mrs. Kirihara will have to undergo a deportation proceeding (as a matter of form only) and that upon the introduction of a private bill in Congress in her behalf for permanent residence, her actual deportation will be stayed until final disposition of the bill.

Mrs. Kirihara was born at Nishikino-mura, Aso-gun, Kumamoto-ken, Japan, on February 28, 1877, and is therefore 77 years of age. She is now living with her son, Paul Yoshio Kirihara, at 1244 St. Louis Drive, Honolulu, T. H. She has two other sons, namely, Yoshiji Kirihara, Honaunau, Kona, Hawaii, and Kumao Kirihara, 2419–D Pauoa Road, Honolulu. Although Yoshiji was born in Japan, Kumao was born in the Territory of Hawaii and is therefore a citizen of the United States. If she returns to Kumamoto-ken, she will be all alone there. It should be noted here that Mrs. Kirihara was once a resident of Hawaii but lost her right to return on a permanent basis because of her long residence in Japan.

The only procedure under the McCarran-Walter Act under which Mrs. Kirihara may gain the right to permanent residence in the United States without once returning to Japan is to apply for the status of a quota immigrant. Such change may be allowed only if Japan's quota is undersubscribed. The record of the Immigration Service shows that Japan's quota is oversubscribed. Mrs. Kirihara's application will perforce be denied. The local Immigration Service agrees with me that under such circumstance she has exhausted all recourse for administrative relief.

In my recent trip to Washington, I had the pleasure of discussing various immigration matters with Mr. Thomas G. Finucane, Chairman of the Board of Immigration Appeals, including the situation which confronts Mrs. Kirihara. On account of her age and of the fact that her citizen children are in the United States, he expressed informal view that a private bill in her behalf would not be opposed by the Immigration Service.

As requested by you in your previous letter to me, I am enclosing herewith Mr. Paul Kirihara's affidavit and statements showing his financial condition. Inasmuch as Mrs. Kirihara's permit to remain in the United States will expire on April 30, 1954, it is the family's urgent request that a bill be introduced in Congress as early as possible upon your return to Washington.

Please be assured that the members of the Kirihara family deeply appreciate your kind assistance in this matter.

Cordially yours,

TSUKY.
Wilfred C. Tsukiyama.

AFFIDAVIT

TERRITORY OF HAWAII,
City and County of Honolulu, ss:

Paul Yoshio Kirihara, being first duly sworn, on oath, deposes and says:

That he resides at 1244 St. Louis Drive, Honolulu, city and county of Honolulu, Territory of Hawaii, and is a citizen of the United States by virtue of his birth in the Territory of Hawaii; that he is married and has three children, all of whom are also citizens of the United States and residing with him at the address aforesaid; that his mother, Nika Kirihara, who has been permitted to remain in the United States as a temporary visitor also resides with him; that said Nika Kirihara was born in Japan but resided in the Territory of Hawaii for many years; that by returning to Japan and remaining there for several years, she lost her right to reenter the United States; that for the purpose of visiting her children in the Territory of Hawaii, she was permitted to do so under a nonimmigrant status as a temporary visitor; that her last extension will expire on April 30, 1954; that she is prepared to comply with the law and return to Japan, but desires to be permitted, if possible, to remain with her children in the Territory of Hawaii on a permanent basis.

Affiant further deposes and says that his mother, Nika Kirihara, was born in Japan on February 28, 1877, and is therefore 77 years of age; that her place of residence in Japan is Nishikino-mura, Aso-gun, Kumamoto-ken, Japan; that although her health has been fairly good, she is frail and cannot travel freely; that in addition to the affiant she has two other sons residing in the Territory of Hawaii, namely, Yoshiji Kirihara, Honaunau, Kona, Hawaii, Territory of Hawaii,

and Kumao Kirihara, a citizen, 2419–D Pauoa Road, Honolulu aforesaid; that if she returns to Kumamoto-ken, Japan, she will be alone; that affiant and his brothers are concerned about her welfare and extremely desirous of having her status changed to that of a permanent resident in the United States; that affiant and his brothers are fully capable financially of taking proper care of said Nika Kirihara, their mother; that, accordingly, affiant has requested the Honorable Joseph R. Farrington, Delegate to Congress from Hawaii, to exercise his good offices in obtaining the passage of a private bill through the Congress in her behalf to the end that she may be permitted to remain permanently in the United States.

Further affiant sayeth not.

PAUL YOSHIO KIRIHARA.

Subscribed and sworn to before me this 23d day of April 1954.

[SEAL] ROBERT T. TSUCHIYA,
Notary Public, First Judicial Circuit, Territory of Hawaii.

My commission expires February 14, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3629) should be enacted.

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Calendar No. 973

84TH CONGRESS, 1st Session | SENATE | REPORT No. 966

MRS. UTO GINOZA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3630]

The Committee on the Judiciary, to which was referred the bill (H. R. 3630) for the relief of Mrs. Uto Ginoza, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to deem the mother of four United States citizen children who formerly resided in the United States, to be a returning resident.

STATEMENT OF FACTS

The beneficiary of the bill is a 63-year-old native and citizen of Japan who last entered the United States on July 3, 1952, as a visitor and departed on December 26, 1954, voluntarily. The beneficiary previously resided in the United States from 1913 to 1926, during which time 4 children were born, 1 of whom is now deceased. The beneficiary is a widow and has been under a doctor's care since 1952 for thyrotoxic disease with heart complication. The beneficiary's children want the beneficiary to return to this country for permanent residence.

A letter, with attached memorandum, dated July 30, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8959, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JULY 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8959) for the relief of Mrs. Uto Ginoza, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H., office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. UTO GINOZA, BENEFICIARY OF H. R. 8959

Mrs. Uto Ginoza, a widow for 26 years, was born on May 25, 1892, in Aza Kin, Kin Son, Okinawa, Japan. She is a citizen of Japan who last entered the United States at Honolulu, T. H., on July 3, 1952, and was admitted as a temporary visitor for pleasure until January 2, 1953. She had previously resided in the Territory of Hawaii from 1913 to 1926 during which time she had 4 children, 1 of whom is deceased and 3 of whom still reside in the Territory. She resided on Okinawa from 1926 until her last entry into the United States in 1952.

Three extensions of her temporary stay in the United States were granted, the last to expire on July 1, 1954. A further extension was denied on the ground that she was no longer a bona fide visitor, but an immigrant who intends to remain permanently in the United States. She was granted until December 31, 1954, to depart from the United States voluntarily at her own expense in lieu of deportation. She has failed to take advantage of that privilege.

Mrs. Ginoza has been under the care of a physician since 1952 for severe thyrotoxic disease with heart complication. A thyroidectomy was performed on her in 1953, and she has since remained under the doctor's care and treatment, close attention being paid to her cardiac condition.

Her son, Harry M. Ginoza, has testified that he is a native-born citizen who desires to have his mother continue to live with him in Hawaii rather than return to Okinawa, since he is her main support. He receives over $200 per month in the employ of the Pioneer Sugar Plantation, owns his own home, and is willing and able to continue to support his mother. She has three other United States citizen children residing in Honolulu who provide partial support.

Mrs. Joseph R. Farrington, the author of the bill, submitted the following information in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1955.

Hon. EMANUEL CELLER, M. C.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have introduced H. R. 3630 for the relief of Mrs. Uto Ginoza. This is the same bill which was introduced in the 83d Congress, H. R. 8959, and provides for permanent residence for Mrs. Ginoza. A report was received on H. R. 8959 dated July 30, 1954, from the Department of Justice, but no action was taken in the last session of Congress.

While I was in Honolulu the latter part of 1954, I was asked to reintroduce this bill and no mention at that time was made of Mrs. Ginoza's return to Japan. I have now received the enclosed letter from her son-in-law stating that she left this country on December 26, 1954, of her own free will so she would not be subjected to deportation proceedings. I had no knowledge of the fact that she had left until I received this letter.

Mrs. Ginoza is a former resident of the Territory of Hawaii and is the mother of three citizen children who live in this country. She is completely dependent upon her children for support and is in ill health at the present time.

I will appreciate it if H. R. 3630, which has been docketed for consideration by Subcommittee No. 1, can be amended to provide for the return of Mrs. Ginoza to this country as a nonquota returning resident.

I do not know whether your committee will require a report from the Department of State under the circumstances, but if this is necessary I would appreciate it if you will request the necessary report so H. R. 3630 can receive prompt consideration.

Sincerely,

ELIZABETH P. FARRINGTON
Mrs. Joseph R. Farrington,
Delegate from Hawaii.

HONOLULU, T. H.,
March 14, 1955.

Mrs. ELIZABETH P. FARRINGTON,
Delegate from Hawaii, Washington, D. C.

DEAR DELEGATE FARRINGTON: After reading the bill, H. R. 3630, again I find that a portion of sentence "4" which states "Mrs. Uto Ginoza shall be held and considered to have been lawfully admitted" is not quite clear and would like to have it clarified.

I don't know whether you have been notified of the fact that Mrs. Uto Ginoza has gone back to Okinawa. She had received a notice of deportation from the Immigration Service and therefore, abiding by the law, left for Okinawa on December 26, 1954. She is now living alone in a small "shack" and wants very much to return to Hawaii and be with her children.

Under these circumstances, I would like to have the following questions clarified:

(*a*) If the bill is passed, will she be able to enter the United States?

(*b*) Does the portion of the above sentence quoted mean that if she is still in Hawaii on a visitor's permit, she will be able to stay on a permanent basis?

(*c*) If the bill is interpreted as in (*b*), will the bill need a revision?

I would appreciate your answering these questions at your earliest convenience.

Respectfully yours,

FRED Y. TOYAMA.

FONG, MIHO, CHOY & CHUCK,
Honolulu, Hawaii, April 23, 1954.

Re Uto Ginoza

Delegate JOSEPH R. FARRINGTON,
Honolulu, Hawaii.

DEAR SIR: Pursuant to our oral conversation outside of the Statehood commission office, I am submitting this request on behalf of Mrs. Uto Ginoza and her family for a request for introduction of a private bill in her behalf permitting her to remain in the Territory as a permanent resident.

Mrs. Uto Ginoza is from 243 Banchi, Aza Kin, Kin-son, Kunigami-Gun, Okinawa. She entered the Territory on July 3, 1952, as a temporary visitor on a certificate of identity No. 01404 which was issued on March 3, 1952, by the United States civil administration of Ryukyus.

Mrs. Ginoza is a widow and the mother of Mrs. Fred Y. Toyama who is residing at 2583 Ahekolo Street, Honolulu. Fred is a veteran of the last war and is a man of high standing and reputation in the community. Mrs. Uto Ginoza is also the mother of Harry M. Ginoza of Lahaina, Maui, who is also a veteran of the last war. Mrs. Ginoza also has another daughter named Misayo Ginoza who is also an American citizen and residing at 2583 Ahekolo Street, Honolulu.

At one time, Mrs. Ginoza had been a permanent resident of the Territory but had to leave for Okinawa on October 22, 1926. She had always wanted to return to the Territory but because of financial and personal reasons, was unable to do so. Her only means of support are her children and she is 62 years of age. Although not bedridden or in serious ill health at the present time, but because of her suffering during the war years and prior thereto, she gives every appearance and indication of being a person who will not live many more years.

Her extension for stay in the Territory is expiring June 3 and unless a private bill is introduced, she will be forced to return to Okinawa. It is heartbreaking for her family and for herself especially to have to leave. Her family would appreciate whatever you can do in helping them in this most humanitarian

appeal. An immediate private bill introduced on Mrs. Uto Ginoza's behalf will be deeply appreciated.

Very truly yours,

FONG, MIHO, CHOY & CHUCK,
By K. MIHO.

In addition Mrs. Farrington wrote to the chairman of the Senate Committee on the Judiciary on June 27, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 27, 1955.

Senator HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is a copy of H. R. 3630, which I introduced for the relief of Mrs. Uto Ginoza, as it was passed by the House of Representatives on June 21, together with a copy of the House report.

While I was in Honolulu the latter part of 1954, I was asked to reintroduce this bill which was introduced in the 83d Congress, and at that time Mrs. Ginoza was in Honolulu with her family on a visitor's visa. Following the introduction of this bill her son-in-law wrote me stating that she had left this country on December 26, 1954, of her own free will so that she would not be subjected to deportation proceedings.

Mrs. Ginoza is a former resident of the Territory of Hawaii and is the mother of three citizen children who live in this country. She is completely dependent upon her children for support and is in ill health at the present time.

I will appreciate it if H. R. 2620 can be docketed for early consideration by your committee to enable Mrs. Ginoza to return to her family with a minimum of delay.

Sincerely,

ELIZABETH P. FARRINGTON
Mrs. Joseph R. Farrington,
Delegate from Hawaii.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3630) should be enacted.

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Calendar No. 974

84TH CONGRESS
1st Session

SENATE

REPORT
No. 967

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MRS. ELIZABETH A. TRAUFIELD

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3864]

The Committee on the Judiciary, to which was referred the bill (H. R. 3864) for the relief of Mrs. Elizabeth A. Traufield, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Elizabeth A. Traufield. The bill provides for the payment of the required visa fee. No quota deduction is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native of the British West Indies and subject of Great Britain who last entered the United States on August 23, 1946, as a foreign government official. Shortly after her admission, she abandoned her official status and began to work for the United Nations Food and Agricultural Organization. The beneficiary was married to Richard Traufield in 1949, and he is serving as a staff sergeant in the United States Air Force. They now have three minor children.

A letter, with attached memorandum, dated August 17, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8552, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington D. C., August 17, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8552) for the relief of Mrs. Elizabeth A. Traufield, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a native of the British West Indies, the beneficiary is chargeable to the quota of Great Britain.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. ELIZABETH A. TRAUFIELD, BENEFICIARY OF PRIVATE BILL H. R. 8552

Elizabeth Anne Traufield, nee Elizabeth Anne MacDonald, was born on May 23, 1927, at Jamaica, British West Indies. She was temporarily admitted to the United States at Syracuse, N. Y., on August 23, 1946, as a foreign government official. Shortly after her admission, she abandoned her official status and she began to work for the United Nations Food and Agricultural Organization, continuing in such employment until January 1950. In view of such employment, she became amenable to deportation proceedings, which were instituted against her on April 3, 1952. On March 19, 1953, she applied for suspension of deportation because of her marriage to a United States citizen and the fact that they have 3 children born in this country. On February 16, 1954, a special inquiry officer ordered that she depart voluntarily from the United States, with an alternate order of deportation if her departure is not voluntarily effected.

The beneficiary's husband, Richard Traufield, is a staff sergeant, United States Air Force, assigned to the March Air Force Base, Riverside, Calif. When he returned from overseas duty in December 1953, his wife instituted a divorce action against him, but they later mutually agreed not to proceed with the divorce. The beneficiary receives a monthly allotment of $156.90 from her husband.

Mrs. Traufield testified that her mother, Sarah Kenward, resides in Kingston, Jamaica, and that she has a brother residing in Washington, D. C. She is employed as a stenographer for a newspaper at a salary of $250 per month. She resides with her three children and a teen-age babysitter in a house at the rear of 240 East 17th Street, Merced, Calif. She completed high school and finishing school in Montreal, Canada, and attended business college for about 1 year in Canada.

Congressman John Phillips, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

I feel there should be no question in the minds of the committee in regard to approval of this bill. Mrs. Traufield, a subject of Great Britain, has been married to a staff sergeant in the United States Air Force since 1949, and has resided continuously with him since their marriage. They have three minor children. After her marriage, she believed her ties with the United States were strengthened, rather than weakened, and she put aside all thoughts of visas. However, in 1951, she was arrested by the immigration authorities in Stockton, Calif., because she had failed to maintain exempt status of a Government official. She worked for the Caribbean Commission in Washington and when it closed she went to work for the United Nations Food and Agriculture Organization until 1950. She is a member of a diplomatic family; her brother, Herbert MacDonald, was chief liaison officer of the British West Indies Central Labour Organization in Washington in 1946.

Mrs. Traufield's case has been kept up in the air for several years, because of the ever changing and differently interpreted immigration laws. Because she cannot break through the red tape of immigration laws so that she can file her petition for naturalization, under section 319 of the Immigration and Naturalization Act, I have introduced this bill in her behalf.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3864) should be enacted.

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Calendar No. 975

84TH CONGRESS, 1st Session } SENATE { REPORT No. 968

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ORVILLE ENNIS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3871]

The Committee on the Judiciary, to which was referred the bill (H. R. 3871) for the relief of Orville Ennis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child, Orville Ennis, the status of a third-preference quota immigrant, which is the status normally enjoyed by the alien minor children of lawful resident aliens.

STATEMENT OF FACTS

The beneficiary of the bill is a 6-year-old native and citizen of Austria, who presently resides in that country. The beneficiary's mother was married on August 14, 1952, in Austria, to Nat Ennis, who adopted the beneficiary on October 28, 1952. The beneficiary's mother and adoptive father are lawful permanent residents of the United States, but the beneficiary could not qualify for third-preference status inasmuch as he is not the legitimate child of his mother.

A letter, with attached memorandum, dated July 23, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9106, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

JULY 23, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9106) for the relief of Orville Ennis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer third preference status upon the minor alien child pursuant to the provision of section 203 (a) (3) of the Immigration and Nationality Act.

The beneficiary is chargeable to the quota of Austria.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ORVILLE BERNHARD ENNIS, BENEFICIARY OF H. R. 9106

Information concerning the beneficiary was furnished by Mrs. Helga Ennis, legal resident of the United States, of 30 Seaman Avenue, New York, N. Y., mother of beneficiary.

Orville Bernhard Ennis, also known as Orville Bernhard Melnizky, is a native and citizen of Austria, born September 21, 1948, at Linz. On February 23, 1953, a petition by permanent resident alien for issuance of immigration visa was received by the New York, N. Y., office of this Service. On April 9, 1954, the Board of Immigration Appeals denied petition since beneficiary is not the legitimate child of the petitioner mother.

The beneficiary is residing in Salzburg, Austria, and is dependent upon his mother, Mrs. Ennis, for support. The beneficiary has no assets or education.

Mrs. Helga Ennis, nee Melnizky, mother of beneficiary, married Nat Ennis on August 14, 1952, at Linz, Austria. Both are permanent residents of the United States. Mr. Ennis adopted the beneficiary in the district court of Linz, Austria, on October 28, 1952. Mrs. Ennis stated that the beneficiary was born of an affair with a member of the United States military force who had promised marriage. Mrs. Ennis declined to reveal the name of the father.

Mrs. Ennis has a high-school education. She belonged to the Youth Movement in Austria, which was described as a compulsory organization run by the Nazis. The combined assets of Mr. and Mrs. Ennis amount to $3,500, which consist of a bank account and personal goods.

Congressman Herbert Zelenko, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 11, 1955.

Re Orville Ennis.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I respectfully request that early consideration be given to the above bill.

The mother of this youngster is married to an American citizen and is a permanent resident alien of the United States. However, as Orville is not the legitimate child of the mother he has not been able to gain admission to this country. The boy was born September 21, 1948, in Austria, and was known as Orville Bernhard Melnizky. He has been legally adopted by Nat D. Ennis, his mother's husband.

I have been advised that the couple in whose care Orville has been are emigrating to the United States very shortly and, therefore, Mrs. Ennis has returned to Austria in order to care for her son until such time as other arrangements can be made or until her son can enter the United States. In view of the situation which has arisen and the fact that the child is so young, I would appreciate it if the bill could receive early consideration.

With many thanks and every good wish, I am,

Sincerely yours,

HERBERT ZELENKO,
Member of Congress.

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Salzburg, Austria, August 28, 1953.

Mrs. HELGA ENNIS,
New York, N. Y.

MY DEAR MRS. ENNIS: I acknowledge receipt of your letter dated August 17, 1953, concerning the status of the immigration visa application of your son, Orville Ennis.

The files of the consulate reveal that your child was registered for immigration to the United States on March 22, 1949, under the Austrian quota. As the Austrian quota is presently oversubscribed, an indefinite period of waiting must be anticipated before further action can be taken on this application. The consulate is not in a position to estimate with any degree of accuracy how long this waiting period will be.

With respect to a visitor's visa for your child, the consulate regrets to inform you that since your son has already received immigrant status, he cannot be considered as eligible to apply for a nonimmigrant visa.

I wish to assure you that when your son's turn is reached on the quota waiting list, he will be given every consideration consistent with existing immigration laws and regulations.

Sincerely yours,

OSCAR C. HOLDER, *American Consul.*

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Salzburg, Austria, November 16, 1953.

Hon. JACOB K. JAVITS,
House of Representatives.

MY DEAR MR. JAVITS: I acknowledge receipt of your letter dated November 5, 1953, concerning the status of the immigration visa application of Orville Ennis, son of Mrs. Helga Ennis. Your letter specifically mentions that Mrs. Ennis, who was issued a second-preference immigration visa on October 6, 1952, was advised by this office that her illegitimate son would be entitled to a preference status after her entry into the United States.

As you know, determination by this office of preference status for intending immigrants is based upon the receipt of a petition executed on the immigrant's behalf, approved by a District Director of the Immigration and Naturalization Service and the status authorized by the Department of State. Mrs. Ennis, in a letter to this office dated August 17, 1953, advised that her "application which she filled out on behalf of her son" was rejected due to the fact that her son was not a beneficiary within the meaning of section 101 (b) (1) of the Immigration and Nationality Act.

The consulate has been advised that there has been no final decision rendered by the Board of Immigration Appeals or the Attorney General on the ruling of the Immigration and Naturalization Service that a child born out of wedlock is not a "child" of his mother as defined by section 101 (b) (1) of the act.

It is possible that at the time when Mrs. Ennis was issued her visa she was informed of the possibility of her child qualifying for a preference status since the ruling mentioned above was not then known to this office. However, under the current circumstances it does not appear that the child would qualify for such status, but must wait until his turn is reached on the Austrian nonpreference quota waiting list, under which his name was inscribed on March 22, 1949.

You are assured that Orville Ennis is receiving every consideration consistent with existing immigration laws and regulations.

Sincerely yours,

OSCAR C. HOLDER, *American Consul.*

[Translation from German]

ADOPTION AGREEMENT

Entered between Nat D. Ennis, of Linz, 13 Dinghoferstr. as foster father on one side and the minor Orville Melnizky, represented by the Youth Board of Linz, and the latter represented by OAR Hans Schratzberger as guardian of the fosterchild, on the other side.

Both contracting parties—hereunder called "fosterfather" and "fosterchild"—have concluded this day the following adoption agreement.

I. The fosterfather takes as his child Orville Melnizky, born on September 21, 1948, out of wedlock, by Helga Melnizky.

II. Herewith the fosterfather assumes with regard to the fosterchild all rights and obligations inherent to parents of a legally born child. Therefore the fosterfather considers it as his highest duty to grant to the child his care, irreproachable in any respect, and an education corresponding to the standing of the fosterfather to lead him to a profession in relation to his capacities, and finally to always take care of his livelihood to the best of his possibilities.

III. In the same manner the fosterchild assumes with regard to the fosterfather all obligations and rights, so as such are due to parents of legally born children. The fosterchild should particularly have the inheritance rights which are due to a legally born child.

IV. The fosterchild will bear in the future the name of "Ennis."

V. The Youth Board of Linz, as the guardian of the child, agrees to the adoption. The declaration of consent of the mother of the child is attached in form of a written declaration.

VI. The taking as a child enters in force the day of the juridical authorization and confirmation of the present agreement.

The instrument is signed by hand of the contracting parties and those who took part in it.

LINZ, *September 30, 1952.*

SCHRATZBERGER [SEAL].
[Signed] NAT. D. ENNIS.

In force since November 15, 1952, District Court.

[SEAL OF THE DISTRICT COURT] [Signed] IDA HOLTER.

DECISION

The District Court of Linz, Division 4, agrees that Orville Melnizky born on September 21, 1948, out of wedlock by Helga Melnizky in Linz (birth certified with Office of Civil Register of Linz under No. 3524 of the register of births) is adopted as a child by Nat D. Ennis, technical employee of Linz, 13 Dinghoferstr. and confirms that between Nat D. Ennis as fosterfather on one side and the minor Orville Melnizky represented by the City Youth Board of Linz as guardian, as the fosterchild, on the other side, concluded adoption agreement of September 30, 1952, according to No 181 abGB.

Henceforth the fosterchild will bear the name of Orville Ennis.

District Court of Linz, Division 4, October 28, 1952.

[Signed] JOHANNA KUNDMANN.

For the authenticity of the instrument. Head of the department.

[Signed] JOHANNA KUNDMANN.

I swear that I am familiar with both the German and the English languages and that the above translation made by me from the German original is true and correct and done to the best of my ability.

H. G. HENLEN.

Subscribed and sworn to before me, this 5th day of January 1954.

[SEAL] ARTHUR FREDERICK,
Notary Public, State of New York.

Commission expires March 30, 1955.

In addition, Congressman Zelenko wrote to the chairman of the Senate Committee on the Judiciary on June 21, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 21, 1955.

Re H. R. 3871, for the relief of Orville Ennis

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing to you with regard to H. R. 3871, the bill I have introduced for the relief of Orville Ennis, which has been passed by the House today. For your convenience, I am enclosing a copy of the bill and report.

Orville Bernhard Ennis, also known as Orville Bernhard Melnizky, is a native and citizen of Austria, born September 21, 1948, at Linz. On February 23, 1953, a petition by the beneficiary's mother, Mrs. Helga Ennis, a permanent resident alien of the United States, was received by the Immigration and Naturalization Service. This petition was denied since beneficiary is not the legitimate child of Mrs. Helga Ennis. Mrs. Helga Ennis, nee Melnizky, married Nat Ennis on August 14, 1952, at Linz, Austria. Both are permanent residents of the United States. Mr. Ennis adopted the beneficiary in the District Court of Linz, Austria, on October 28, 1952.

I have been advised that the couple caring for Orville are emigrating to the United States and, therefore, Mrs. Ennis has returned to Austria to care for her son until such time as other arrangements can be made or until her son can enter the United States. In view of the situation which has arisen and the fact that the child is so young, I would appreciate it if your committee could give H. R. 3871 early consideration.

Your kind cooperation is appreciated.

With kind regards, I am,

Sincerely yours,

HERBERT ZELENKO,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3871) should be enacted.

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Calendar No. 976

84TH CONGRESS, 1st Session | SENATE | REPORT No. 969

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ADELHEID (HEIDI) GLESSNER (NEE SCHEGA)

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4146]

The Committee on the Judiciary, to which was referred the bill (H. R. 4146) for the relief of Adelheid (Heidi) Glessner (nee Schega), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a German national who was married in Germany to George Glessner, a United States citizen. The beneficiary was refused a visa inasmuch as she was convicted of theft on April 22, 1948, in that she had continuously taken away certain items of wearing apparel from another person during the period from October 1947 to approximately March 4, 1948. The beneficiary's husband met her while serving overseas with our Armed Forces. The beneficiary has two children and is now expecting the birth of another child. Without the waiver provided for in the bill, the beneficiary will be unable to qualify for a visa to enter the United States.

A letter dated March 4, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, Department of State, with reference to the case reads as follows:

DEPARTMENT OF STATE,
Washington, March 4, 1955.

Hon EMANUEL CELLER,
Chairman, Committee on the Judiciay,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 21, 1955, and its enclosures, wherein you requested a report of the facts in the case of Adelheid (Heidi) Glessner (nee Schega), beneficiary of H. R. 4146, 84th Congress, 1st session.

Information contained in the Department's files indicates that Adelheid Schega, who appears to be identifiable with the beneficiary of the above-referenced bill, was convicted of theft in violation of paragraph 242 of the German penal code by the district court at Hochheim, Germany, on April 22, 1948, in that she had continuously taken away certain items of wearing apparel from another person with the intent to appropriate them illegally during the period from October 1947, to approximately March 4, 1948.

Inasmuch as theft, also known as larceny or stealing, has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the American consular officer at Frankfort, Germany, had no choice other than to find the alien ineligible to receive a visa under the above-cited provision of law.

Furthermore, since the alien committed the crime of theft on more than 1 occasion although the offenses were merged in 1 conviction, the consular officer found that the relief provided by section 4 of Public Law 770 is inapplicable to the case.

At this time the Department has no knowledge of any factor in Mrs. Glessner's case, other than the information hereinbefore cited, which would render her ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Glessner from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Acting Secretary of State).

Representative Augustine B. Kelley, the author of the bill, submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 18, 1955.

HON. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House of Representatives.

DEAR MR. CHAIRMAN: I am writing in the interests of my bill, H. R. 4146, enclosed, for the relief of Adelheid (Heidi) Glessner. It is respectfully requested that reports from the appropriate departments be asked for as early as possible.

This case originated with my efforts to obtain a visa for the then Miss Adelheid Schega and her two children (born out of wedlock to two different men). Since then, a constituent of mine, and the father of her second child, has expressed a desire to marry this German girl. During this time it was apparent Miss Schega, convicted previously for thefts committed in 1948, could have her visa case reconsidered under Public Law 770.

Subsequently, however, my constituent, George Glessner, who had met Miss Schega while overseas with our troops, married her in Germany and arrangements were made to obtain visas and fly to the States, from Germany, the 22d of December. At this time Mrs. Glessner's second child was also to accompany them, but her first child had to wait for a nonpreference visa since she is currently registered in that category (as of November 1, 1954).

As this family was boarding their plane for the States, they were taken off and Mrs. Glessner's visa withdrawn. This in the face of having already been issued such a visa by the American consulate at Frankfort.

Much confusion, consternation, and expense ensued and I wrote both the American consulate and Mr. Maney, Visa Director in the State Department. I could readily understand someone had made a mistake, but I still do not appreciate the withdrawal of a visa already issued—which proves a thorough check was not made by the American authorities. And because of their error, these people, in good faith, suffered untold misery, both financially and physically.

Now I am told by Mr. Maney that there is no way under the law Mrs. Glessner may enter the States since she is ineligible for a visa. This, I learn, now, is due to the fact during the war years she committed the crime of theft on more than one occasion. The record, I might add, however, shows these offenses were merged into 1 conviction which, to me, would seem accountable as 1 offense.

Notwithstanding the decision of the State Department, and its intent to abide by the law, I am at a loss to understand how such a serious mistake can be dismissed by these sentences from Mr. Maney's letter to me of January 17, 1955:

"I can readily understand the disappointment and inconvenience the withdrawal of the visa caused Mr. and Mrs. Glessner, and I sincerely hope that the handling of the case has not in any way embarrassed you."

Therefore, since the only alternative in the matter is the introduction, and enactment, of a private bill, I have introduced the enclosed bill, H. R. 4146, and respectfully urge your early and favorable consideration thereof.

Sincerely yours,

AUGUSTINE B. KELLEY,
Member of Congress.

P. S.—My request for early consideration is due to the fact Mrs. Glessner is expecting another child in about 4 months, and the Army is reluctant to allow her of return to the States by plane. To complicate it further, Mr. Glessner, currently in the Army, has only a 3-month extension overseas before he is due to return to the States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4146) should be enacted.

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Calendar No. 977

84TH CONGRESS, 1st Session } SENATE { REPORT No. 970

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ANGELO DEVITO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4147]

The Committee on the Judiciary, to which was referred the bill (H. R. 4147) for the relief of Angelo DeVito, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of crimes involving moral turpitude in behalf of the brother of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 59-year-old native and citizen of Italy who presently resides in that country with his wife, also a native and citizen of Italy. The beneficiary's brother, Michael DeVito, is a United States citizen and owns a dairy bar, motel, and restaurant in Watertown, N. Y. and has been making efforts to bring the beneficiary to this country. The record discloses that the beneficiary was convicted of theft on February 21, 1927, and sentenced to 3 months and 10 days' imprisonment. He was again convicted on April 20, 1934, of assault with a deadly weapon. Without the waiver provided for in the bill the beneficiary will be unable to qualify for a visa to join his relatives in the United States.

A letter, with attached memorandum, dated April 22, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., April 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4147) for the relief of Angelo DeVito, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of these files.

The bill is intended to exempt the alien from the excluding provision of section 212 (a) (9) of the Immigration and Nationality Act which relates to aliens convicted of crimes involving moral turpitude, if he is found to be otherwise admissible under the provisions of that act. It would also provide that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGELO DE VITO, BENEFICIARY OF H. R. 4147

The information concerning this case was obtained from Louis (Jake) De Vito, nephew of the beneficiary, residing at 1411 Washington Street, Watertown, N. Y.

Angelo De Vito was born on December 28, 1896, in Postiglione, Italy, and is a citizen of Italy. He has never been in the United States and presently resides with his wife in Postiglione, Italy. They have two married daughters residing in Italy. He has had very little formal education and his special skill is that of farming, which he now pursues. Definite information as to his current income and assets is unavailable except that his income provides for the needs of himself and wife.

Louis De Vito, beneficiary's nephew, testified that the beneficiary was refused an immigrant visa by the American consulate in Naples, Italy, because of convictions for crimes involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The nephew and his father, Michael De Vito, beneficiary's brother, own and operate a dairy bar, motel, and restaurant in Watertown, N. Y., on which they place a valuation of $125,000. They also own their respective residences.

The director of the Visa Office, Department of State, submitted the following report dated March 28, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, March 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 24, 1955, and its enclosures, wherein you requested a report of the facts in the case of Angelo De Vito, beneficiary of H. R. 4147, 84th Congress, 1st session.

According to a report received by the Department from the American consulate general at Naples, Italy, Angelo De Vito, who appears to be identifiable with the beneficiary of the proposed bill, was convicted of attempted theft on February 21, 1927, by the pretore of the District of Postiglione and was sentenced to 3 months and 10 days imprisonment. The records, also show that on April 30, 1934, Mr. De Vito was also convicted by the same court of having threatened another with unjust injury in violation of article 612 of the Italian Penal Code in that he threatened to kill one Lorenzo Di Napoli, his wife's lover, and chased him, knife in hand, through the streets of the town.

It is the Department's opinion that as Mr. De Vito was convicted of assault with a dangerous weapon, and as such an offense has been held to involve moral turpitude, he would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

As section 502 of the Criminal Code of the District of Columbia definies assault with a dangerous weapon as a felony Mr. De Vito would be unable to qualify for the benefits contained in section 4 of Public Law 770, 83d Congress, 2d session.

At this time the Department has no knowledge of any factor in Mr. De Vito's case, other than the information hereinbefore cited, which would render him ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligiblity which may come to light prior to visa issuance would preclude Mr. De Vito from receiving a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Congressman Clarence E. Kilburn, the author of the bill, submitted the following statements in support of the bill:

WATERTOWN DAILY TIMES,
Watertown, N. Y., May 16, 1955.

Re De Vito, Angelo.

To Whom It May Concern:

The undersigned, being duly sworn, deposes and says:

That I am the editor and publisher of the Watertown Daily Times.

I have been asked and I am glad to make this affidavit for Mr. and Mrs. Michael De Vito and their 11 children, all of Watertown, who desire to obtain entry to the United States for the brother of Michael De Vito, Angelo De Vito, the last member of the De Vito family to remain in Italy. In my capacity as editor and publisher of this newspaper, I know Mr. and Mrs. Michael De Vito and the members of their family, all of whom are married and conduct lucrative businesses in this community. They are all responsible, reputable citizens of this city and of the United States. The De Vito family is well able to see that Angelo De Vito does not become a public charge.

It is my hope that Angelo De Vito may be permitted to enter the United States and to remain here with his relatives in Watertown.

JOHN B. JOHNSON.

STATE OF NEW YORK,
County of Jefferson, ss:

Subscribed and sworn to before me this 18th day of May 1955.

[SEAL] JANE W. HUEY, *Notary Public.*

Commission expires March 30, 1957.

CITY OF WATERTOWN, N. Y., *May 6, 1955.*

Re Angelo De Vito.

To Whom It May Concern:

The undersigned, being duly sworn, deposes and says:

That he is the mayor of the city of Watertown; that during his many years as city councilman and then as mayor of the city of Watertown, that he has been personally acquainted with Mr. and Mrs. Michael De Vito and their 11 children, all of Watertown, all of whom are responsible citizens of this community.

That he has been informed that the De Vito family is making efforts to bring into the United States from Italy, Michael De Vito's brother, Angelo, that he believes the De Vito family in Watertown is financially capable of, and he believes they will, take full care of Angelo De Vito if he is allowed to enter the United States and become an American citizen.

JOHN H. NEWMAN, *Mayor.*

Subscribed and sworn to before me this 18th day of May 1955.

[SEAL] JANE W. HUEY, *Notary Public.*

Commission expires March 30, 1957.

THE WATERTOWN NATIONAL BANK,
Watertown, N. Y., May 18, 1955.

Re Angelo De Vito.

To Whom It May Concern:

The undersigned, being duly sworn, deposes and says:

That he is the president of The Watertown National Bank and that during his years as a banker in this community he has been personally acquainted with

Mr. and Mrs. Michael De Vito and their 11 children, all of Watertown, all of whom are responsible citizens of this community.

That he has been informed that the De Vito family is making efforts to bring into the United States from Italy, Michael De Vito's brother, Angelo; that he believes the De Vito family in Watertown is financially capable of, and he believes they will, take full care of Angelo De Vito if he is allowed to enter the United States and become an American citizen.

B. C. RUSHLOW, *President.*

Subscribed and sworn to before me this 18th day of May 1955.

[SEAL] GEORGE H. BALFOUR, *Notary Public.*

Commission expires March 30, 1956.

AFFIDAVIT

STATE OF NEW YORK,
County of Jefferson, City of Watertown, ss:

The undersigned, being duly sworn, deposes and says that he is district attorney of Jefferson County, N. Y.

That he is personally acquainted with Mr. and Mrs. Michael De Vito and many of their 11 children, and that to the best of his knowledge and belief, all are reputable citizens of this community and of the United States. That the records of this office show nothing against any member of the family. That each of the children, known to deponent, is married and conducts a reputable business.

That deponent is informed that Mr. and Mrs. Michael De Vito and their childre are seeking to obtain entry into the United States of Angelo De Vito, the last member of the family to remain in Italy, the brother of the above Michael De Vito and uncle of his children. That deponent believes the De Vito family has sufficient means so that there is no danger of their becoming a charge upon the public, and the said Angelo De Vito would not become a public charge if allowed to enter this country and become a United States citizen.

ANGUS G. SAUNDERS,
District Attorney, Jefferson County, Watertown, N. Y.

Sworn to before me this 18th day of May 1955.

MARGUERITE H. DONALDSON,
Commissioner of Deeds, City of Watertown, N. Y.

CITY OF WATERTOWN, N. Y.,
POLICE DEPARTMENT,
May 18, 1955.

Re De Vito, Angelo

To Whom It May Concern:

The undersigned, being duly sworn deposes and says that he is chief of police of the city of Watertown, and that during his many years as chief of police, he has been personally acquainted with both Mr. and Mrs. Michael De Vito, and their family consisting of 11 children, all of Watertown, and who are all responsible citizens of this community.

That he has been informed that the De Vito family is making efforts to bring into the United States from Italy, Michael De Vito's brother, Angelo; that he believes the De Vito family in Watertown is financially capable of, and he believes they will, take full care of Angelo De Vito if he is allowed to enter the United States and become an American citizen.

EDW. J. CURTIN, *Chief of Police.*

Subscribed and sworn to before me this 18th day of May in the year 1955.

[SEAL] HENRY V. CUMOLETTI,
Notary Public.

Commission expires March 30, 1957.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4147) should be enacted.

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Calendar No. 978

84TH CONGRESS, 1st Session } SENATE { REPORT No. 971

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AUG 2 1955
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MRS. MARIANNINA MONACO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4284]

The Committee on the Judiciary, to which was referred the bill (H. R. 4284) for the relief of Mrs. Mariannina Monaco, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Mariannina Monaco. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 56-year-old native and citizen of Italy who last entered the United States during 1952 upon presentation of a resident alien's border-crossing card issued to her on the basis of her original entry on February 22, 1948, for permanent residence as the wife of a United States citizen. The beneficiary was married on January 27, 1923, and was issued a nonquota immigrant visa on December 22, 1947, as the spouse of an American citizen. However, the beneficiary's husband died in New York on August 29, 1947, and she was, therefore, ineligible to receive a nonquota immigration visa. The beneficiary resides with her two sons, who are United States citizens, and her sister.

A letter, with attached memorandum, dated June 11, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8452, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JUNE 11, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to bill (H. R. 8452) for the relief of Mrs. Mariannina Monaco, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of these files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Italy.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARIANNINA MONACO, BENEFICIARY OF H. R. 8452

Mariannina Monaco, a native and citizen of Italy, was born on July 5, 1899, at Campobasso, Italy. She last entered the United States sometime in 1952 at Buffalo, N. Y., upon presentation of a resident alien's border crossing card issued to her on the basis of her original entry at New York, N. Y., on February 22, 1948. At the time Mrs. Monaco last entered the United States, it was her intention to resume her residence and reside permanently.

Service records reflect that the beneficiary was issued a nonquota immigrant visa at the American consulate in Naples, Italy, on December 22, 1947, as the spouse of a citizen of the United States. Mrs. Monaco was married to John Monaco on January 27, 1923, and in her application for a nonquota immigration visa she stated she was entering the United States for the purpose of joining her husband. The beneficiary testified that her husband died in New York City on August 29, 1947, and that she was informed of his death by relatives on September 8, 1947. She further testified that she was well aware that her husband was deceased at the time she executed her application for a nonquota visa, but she did not reveal this information to the American consul.

It has been established that the beneficiary's admission to the United States on February 22, 1948, upon presentation of a nonquota immigration visa, was an unlawful one. Therefore, her last entry to the United States at Buffalo, N. Y., during 1952 was unlawful, because the resident alien's border-crossing card presented on her last entry to the United States as issued on the basis of her previous unlawful entry to the United States on February 22, 1948, and was, therefore, invalid. Deportation proceedings were instituted and on April 15, 1953, as the result of a deportation hearing, Mrs. Monaco was granted the privilege of voluntary departure in lieu of deportation. She has failed to depart.

Mrs. Monaco presently resides at 235 Olcott Street, Lackawanna, N. Y., with her two sons, aged 18 and 19 years old, and a sister. She is supported by her sons, and in addition, receives $50 a month as compensation payment from the death of her husband. She has no assets. Her parents are deceased.

Congressman John R. Pillion, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 18, 1955.

Hon. FRANCIS E. WALTER
Chairman, Subcommittee on Immigration,
Old House Office Building.

DEAR CHAIRMAN WALTER: I respectfully request the members of the Subcommittee on Immigration to give favorable consideration to H. R. 4284 for the relief of Mrs. Mariannina Monaco.

Mrs. Monaco is a woman of 54 years, mother of 2 sons who are American citizens and with whom she resides. Mrs. Monaco is a widow who derives her support from her sons and from a $50 per month compensation pension from the death of her husband. If a deportation order should be enforced against her it would create a serious hardship and separate this family leaving the sons in the

United States and forcing her to return to Italy where she no longer has a home or any relatives.

I am submitting a number of statements of persons attesting to Mrs. Monaco's good character and position of respect in the community.

I certainly feel that she is a person who is worthy of United States citizenship and ask that you give favorable consideration to this bill.

Sincerely yours,

JOHN R. PILLION.

ST. ANTHONY'S RECTORY,
Lackawanna, N. Y., March 12, 1955.

To Whom It May Concern:

Mrs. Mariannina Monaco of 235 Olcott St., Lackawanna, N. Y., is a member of my parish for the past 6 or 7 years. Her two boys a few years ago served mass on the altar. If a boy is a faithful server, it is invariably because his mother awakens him and sees to it that he performs his duty. Mrs. Monaco is seen often to daily mass. She is highly respected in the community and has done a marvelous job in raising the two boys—first alone in Italy while her husband resided in this country and then alone again in this country as her husband had died in an accident. These two boys are steady workers in Bethlehem Steel plant. They have a car and are building a home for their mother. A good, hard-working family of this caliber is an asset to any country. Whatever is possible to keep this fine mother and her two grown up boys together should be done.

Sincerely yours in Christ,

REV. THOMAS CIOLENO, *Pastor.*

LACKAWANNA, N. Y., *April 20, 1955.*

Hon. JOHN R. PILLION,
Member of Congress,
House Office Building, Washington, D. C.

DEAR MR. PILLION: Recently, my attention was called to the predicament that Mrs. Mariannia Monaco finds herself through illegal entry into the United States.

While her husband was making application for a visa for his family's entrance into our country, he passed away. Nevertheless, the visa was granted. Mrs. Monaco, not knowing that she was no longer entitled to this visa, left Italy and came to the United States. She is now confronted with a deportation charge.

As a schoolteacher in one of the Lackawanna elementary schools, I came in contact with Mrs. Monaco's two fine sons, Anthony and Florio. Later, I met Mrs. Monaco. I feel that I should, and would like to, speak in her behalf.

Her sons, who are now American citizens, and of an inductive age, attended our schools. They were always well behaved, kind, honest, and diligent workers. Anthony and Florio were always taken in by their classmates because they were good sports and cooperative. They attended daily mass and served as altar boys. Presently, they are out of school, working and doing a remarkable job of supporting their widowed mother, and helping to keep a warm, cheerful, loving home together.

As for Mrs. Monaco, she is a friendly, good, well-respected woman in her community. She is always trying to extend a helping hand to a neighbor. Her deportation would only break up a sound, strong home, and subject her to hardship because she has no family whatsoever left in Italy.

Mrs. Monaco and her two sons are the type of people who make stanch, reputable, loyal, and law-abiding citizens—the best materials for a sound democracy.

I would certainly appreciate your forwarding this letter to the committee which is reviewing and investigating Mrs. Monaco's case.

Sincerely yours,

THERESA J. MORGAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4284) should be enacted.

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Calendar No. 979

84TH CONGRESS, 1st Session | SENATE | REPORT No. 972

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VLADISLAV BEVC

JULY 18,81955.—Ordered to be printed

MR. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4289]

The Committee on the Judiciary, to which was referred the bill (H. R. 4289) for the relief of Vladislav Bevc, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to preserve for Vladislav Bevc the status of a third preference quota immigrant as the minor child of his parents, who are lawful permanent residents of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Yugoslavia, who presently resides in that country. The beneficiary's father was admitted to the United States for permanent residence on October 11, 1949, as a displaced person. The beneficiary's mother and sister also reside in the United States and are lawful permanent residents. The beneficiary was included as a minor in the application for registration of his mother filed on December 14, 1950. On February 2, 1953, a visa petition was approved in behalf of the beneficiary until he reached his majority on April 9, 1953. Since he was not in possession of a Yugoslav passport, final action could not be taken while he was entitled to preference status.

A letter, with attached memorandum, dated May 25, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4289) for the relief of Vladislav Bevc, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer a preference quota status upon the beneficiary pursuant to sections 203 (a) (3) and 205 of the Immigration and Nationality Act, by providing that he shall be considered to be the minor child of parents who are lawful permanent residents of the United States.

As an immigrant the beneficiary is chargeable to the quota of Yugoslavia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VLADISLAV BEVC, BENEFICIARY OF H. R. 4289, 84TH CONGRESS

The following information was furnished by the beneficiary's father, Ladislav Bevc, sponsor of the bill, who resides at 2258 Clay Street, Napa, Calif.:

The beneficiary, a native and citizen of Yugoslavia, was born on April 1, 1932, at Ljublijana, Yugoslavia. He is single. He is presently residing in his place of birth, and is attending the university there. He has had no income or employment other than odd jobs while attending school. He is being supported by his father. He has never been in the United States. He has no dependents or family ties in Yugoslavia. Aside from his parents and a sister, he also has an aunt residing in Napa, Calif.

The sponsor was born August 8, 1890 in Skocijan, Yugoslavia, and is a citizen of that country. He resided in his native country until 1945 and was a displaced person in Italy from 1945 until 1949. From 1915 to 1918 he served in the Austrian Army during the First World War. At the time he left Yugoslavia in 1945 he was a member of the army reserve.

The sponsor arrived in the United States October 11, 1949 at New York and was admitted for permanent residence. His wife, Ivanka, and daughter, Breda, reside with him at Napa, Calif. He is a graduate of the Technical University of Vienna, Austria, and is a civil engineer. His present income is $4,400 per year. In Yugoslavia he was senior state engineer in the place of his last residence in that country. According to his statements he has been affiliated with such organizations as the American Concrete Institute, American Academy of Science, Slovenian National Committee in Exile, and the Slovenian Democratic Party in Exile. The Bevc family appear to enjoy a good reputation in the community where they reside.

The Director of the Visa Office, Department of State, submitted the following report dated May 16, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Vladislav Bevc, beneficiary of H. R. 4289, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated March 28, 1955, from the American Embassy at Belgrade, Yugoslavia.

As the quota for Yugoslavia is oversubscribed, it is anticipated that Mr. Bevc would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Bevc would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

OPERATIONS MEMORANDUM

MARCH 28, 1955.

To: Department of State.
From: American Embassy, Belgrade, Yugoslavia.
Subject: Visas: Case of Vladislav Bevc.
Reference: Department's OMV–176, March 17, 1955.

The subject alien was included as a minor in the application for registration of his mother, Mrs. Ivanka Bevc, filed on December 14, 1950. He was born on April 9, 1932, at Ljubljana, Yugoslavia, and is chargeable to the Yugoslav quota.

On February 2, 1953, visa petition No. VP 13–3019 was approved in favor of the subject alien granting him third preference status until he reached his majority on April 9, 1953. He was not at that time in possession of a Yugoslav passport, and final action could not be taken while he was entitled to preference status. Immigrant visas were issued to his mother and sister, Breda Bevc, on February 11, 1954.

The alien is presently registered on the nonpreference waiting list of intending immigrants under the Yugoslav quota as of December 14, 1950, the date of his mother's original registration.

Mr. Bevc's case is similar to a great many others on the Embassy's waiting list. The refusal of the Yugoslav authorities to grant passports to young men of military age until they have fulfilled their military service forces a great many applicants to defer their immigration until after they reach their majority, when it is too late for them to benefit from preference or nonquota status. There is nothing in the Embassy's dossier on this case which indicates unusual hardship.

Congressman Hubert B. Scudder, the author of the bill, submitted the following letters in support of the bill:

NAPA, CALIF., *January 18, 1955.*

Hon. HUBERT SCUDDER,
United States House of Representatives, Washington, D. C.

DEAR SIR: My name is Ladislav Bevc. I was born on August 8, 1890, at Skocijan, district Krško in Yugoslavia. I entered the United States at New York on October 11, 1949, as a displaced person for permanent residence. Since my arrival to the United States, I am residing in Napa, Calif. My present address is 2258 Clay Street, Napa, Calif. On October 12, 1954, after completing 5 years of permanent residence in the United States, I filed the petition for United States citizenship.

From September 20, 1950, I am employed at Basalt Rock Co., Inc., in Napa, Calif., at present in the capacity of a structural engineer, my profession being that of a civil engineer, which degree I attained in 1913 at the technical university in Vienna, Austria.

I am enclosing my curriculum vitae, showing my education, my professional, public, and other activities until May 5, 1945. On that day I left Yugoslavia, and stayed until my departure for the United States in various displaced persons' camps in Italy.

I am married. My wife Ivanka (maiden name Sket) was born on August 29, 1900, at Celje in Yugoslavia; since April 7, 1954, she is a permanent resident in the United States, now residing at 2258 Clay Street, Napa, Calif.

We have two children:

A son Vladislav, born on April 9, 1932, in Ljubljana, Yugoslavia, unmarried, a student of electrical engineering at the university in Ljubljana, Yugloslavia, now residing at Miklošičeva cesta 4/I, Ljubljana, Yugloslavia.

A daughter Breda Ivanka, born on June 20, 1934, in Ljubljana, Yugloslavia, unmarried, a student of the Napa College, since April 7, 1954, a permanent resident in the United States, now residing at 2258 Clay Street, Napa, Calif.

At the time I left Yugloslavia as refugee, my family stayed in Ljubljana, Yugoslavia, waiting for my settlement in the United States, thus to be able to join me. They were persecuted and discriminated by the Yugloslav Government.

All our property was confiscated, and thus they were without any means for living; until I was enabled to support them again, they received help mostly from my sister's family in the United States.

In December 1950, my wife and both children applied for United States visas at the American Embassy in Belgrade, Yugloslavia. First they enjoyed second-preference status, which was changed in December 1952 to third-preference status, according to the present Immigration and Nationality Act.

However, the Yugoslav authorities repeatedly denied them passports, altogether eight times. Finally, in January 1954, my wife and my daughter obtained passports, and immediately afterwards United States visas.

My son is no longer entitled to the third-preference status due to the fact that he is now over 21 years of age. His present classification as a nonpreference immigrant does not make it possible to obtain United States visa in the foreseeable future. Even when I become a citizen and can file a petition for fourth-preference status for my son, he must expect a protracted wait because of the oversubscribed condition of the Yugoslav quota.

My son now obtained permission from the Yugoslav authorities to apply for a passport in order to leave Yugoslavia. Pending the issuance of the passport, it is essential that he should regain his preference status which he lost through the discriminating attitude of the Yugoslav Government against my family.

Only with the enactment of a special law by the Congress of the United States for the relief of my son Vladislav Bevc, by which for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, he shall be held and considered to be the minor child of his parents, my family will be permitted to be united in the United States.

Dear sir, I am respectfully asking you to consider favorably the above explained case of my family and to sponsor and introduce a bill for the relief of my son Vladislav Bevc that for the purpose of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, he be held and considered to be the minor child of his parents Ladislav Bevc and Ivanka Sket Bevc.

Yours very respectfully,

LADISLAV BEVC.

NAPA, CALIF., *January 18, 1955.*

Re Ladislav Bevc

Hon. HUBERT SCUDDER,
United States House of Representatives,
Washington, D. C.

DEAR SIR: I have known Ladislav Bevc for a period of approximately 2 years, and during that time have seen him frequently and believe I have an accurate opinion of his character and habits. In my judgment he is of the highest moral integrity, is sincere, able and industrious in his work and is an exemplary husband and father. He is an excellent citizen of this community and I am sure his son likewise would be a very desirable citizen.

In view of my opinion of Mr. Ladislav Bevc, I most sincerely recommend that you sponsor in his behalf the legislation required to enable the son to enter the United States.

Yours truly,

MARK STANTON.

BASALT ROCK CO., INC.,
Napa, Calif., January 17, 1955.

Hon. HUBERT SCUDDER,
United States House of Representatives,
Washington, D. C.

DEAR MR. SCUDDER: This is to advise that Ladislav Bevc has been continuously employed by this company since September 20, 1950. His present position is that of structural engineer for our structural concrete products division.

We have found Mr. Bevc to be eminently qualified for his position by reason of his education and professional background. He is a conscientious and loyal employee.

Mr. Bevc has exhibited qualities of character and integrity of a high order which would make him a most desirable citizen of the United States and I recommend him without reservation.

Very truly yours,

HAROLD A. PRICE,
Manager, Structural Concrete Products Division.

NAPA PUBLIC SCHOOLS,
Napa, Calif., January 18, 1955.

Hon. HUBERT SCUDDER,
United States House of Representatives,
Washington, D. C.

DEAR MR. SCUDDER: I wish to recommend Mr. Ladislav Bevc to you as one of the most outstanding petitioners for naturalization that this country has had the privilege of welcoming as a new citizen.

He attended our citizenship class all of last year, and rarely missed a session, always contributing far more to the group than any other member ever has.

All of us who have had the pleasure of knowing him are truly grateful for that privilege and we are indeed proud that our country can eventually accept him as one of its citizens.

Yours sincerely,

LEATHA E. STOCKMON,
Citizenship Teacher, Napa Evening College.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4289) should be enacted.

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Calendar No. 980

84TH CONGRESS, 1st Session | SENATE | REPORT No. 973

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CHRISTA HARKRADER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4455]

The Committee on the Judiciary, to which was referred the bill (H. R. 4455) for the relief of Christa Harkrader, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Christa Harkrader. The bill provides for the payment of the required visa fee and for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Germany who last entered the United States on July 7, 1952, for the purpose of receiving medical treatment for tuberculosis. She was discharged from the hospital during May of 1953, as an arrested case. The beneficiary was married in Germany on January 16, 1950, to Sgt. Joseph Marvin Harkrader, a member of our Armed Forces.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3094, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 25, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3094) for the relief of Christa Harkrader, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Christa Maria Harkrader.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

As the wife of a United States citizen, Mrs. Harkrader would be entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHRISTA HARKRADER, BENEFICIARY OF S. 3094

The beneficiary, Christa Maria Harkrader, was born March 15, 1929, in Dresden, Germany. Her last foreign address was 13 Jaudengasse, Weiden/Opf, Germany. She entered the United States on July 7, 1952, at New York, N. Y. She was admitted for 6 months under the ninth proviso to section 3 of the Immigration Act of 1917 for the purpose of receiving treatment for tuberculosis. She was dismissed from the Fitzsimons Army Hospital at Denver, Colo., during May of 1953, the disease having been arrested and considered inactive for 12 months. The medical authorities of Fitzsimons Hospital also performed three operations for malignant disease of the ovaries and have stated that she will need periodic examination for at least 5 years.

The beneficiary completed the eighth grade in school. She thereafter worked as a domestic servant in Germany until March 1946, when she met her husband, Sgt. Joseph Marvin Harkrader, United States Army, and has been supported by him since. They were married on January 16, 1950, in Germany. Mrs. Harkrader denies any arrests or convictions for any violation of law except for illegal border crossing from the Russian Zone to the American Zone in Germany. She admits that she was given a 3-month jail sentence for this offense. She denies any political activities but admitted that some distant relatives were Nazi leaders but claimed that her immediate family had been anti-Nazi and had not taken any part in the political affairs of Germany, either before or after the war. She further stated that a female first cousin was married to a high Communist official and that they are presently living in the Russian Zone of Germany.

Sgt. Joseph Marvin Harkrader, husband, is financially unable to provide the necessary hospital treatment abroad for the beneficiary. They have no savings and own very little personal property. His parents are separated and cannot be expected to assist them to any extent. Mrs. Harkrader's parents reside in the Russian Zone of Germany and are unable to assist them. For this reason the beneficiary and her husband applied for relief in order that her medical treatment could be obtained at the United States Army hospital.

Former Senator Edwin C. Johnson, the author of S. 3094, 83d Congress, submitted to the Senate Committee on the Judiciary the following letters and documents in support of that bill:

COLORADO SPRINGS, COLO., *February 21, 1954.*

DEAR MISTER SENATOR: In regard to serious immigration trouble, I am appealing to you for help. I will try to explain the whole long story in as few words as possible:

I am a German war bride age 25. My husband, Sfc Joseph M. Harkrader, and I got married on January 16, 1950, in Germany. On January 28 of the same year we had to leave Germany. Meanwhile I applied for a nonimmigrant visa to join him here. However, at the very date of my planned departure the American consulate in Munich informed me of the fact that my chest X-ray showed spots on my lung. Therefore, I could not leave. Shortly after this my husband was sent to Korea, where he stayed 15 months, 12 of which he spent in combat. Dur-

ing this time he tried repeatedly to have a visa granted to me, but without success. After his return to the States he again tried and was told to start working on the papers from Germany, so he took leave and made the trip, but only to find out that nothing could be done from their either. However, he did find out that if we applied for a special visa for medical treatment we might be granted this.

This happened and I left Europe on June 21, 1952. My husband's relatives helped to post a $1,000 bond. Right after my arrival I went to a sanatorium in Catawba, Va. After 3 months I left there and entered the Army hospital in Camp Stoneman, Calif. Again I spent 3 months and then was transferred to the Fitzsimons Army Hospital in Denver.

There the doctors found through a routine checkup that I suffered with cancer. I was operated on March 16, 1953, and had X-ray treatment for several weeks. At the end of April I was released from there. I have in my possession certificates from the medical authorities in Fitzsimons stating that my case of TB has been arrested and stabilized for now far over 12 months. However, I must keep going for checkups for the cancer for at least 5 more years.

Now since my entry in the United States I have had two extensions of my visa. The immigration authorities insist now that I leave the country and apply for a permanent visa. I have tried to get permit to go into Mexico, Canada, and the nearby British-owned islands, but this is impossible. The other countries cannot get any assurance from the American Government that any of the persons may reenter the States and therefore won't let anyone into their country to apply for a visa. This means that I have to make that long, costly trip to Germany just to have some papers signed. There again, I won't have any assurance for readmittance. It will cost a minimum of $1,000. I do not know where to go as my relatives all live in the Eastern Zone except one brother who is a polio cripple. I do not know whom to turn to should I become sick there. I have no Army hospital privileges there because of my former German nationality (lost by marriage to an American citizen). All in all, I am completely lost.

Is there anything anyone could do to help me? If it is in your power, please help, I would be so grateful for any assistance. I truly am worried sick and I know my husband is and also his relatives. Any help would be greatly appreciated.

Very truly yours,

MRS. CHRISTA HARKRADER.

HEADQUARTERS, FITZSIMONS ARMY HOSPITAL,
Denver, Colo., April 3, 1953.

Subject: Physical Condition of Mrs. Christa Harkrader

To Whom It May Concern:

1. Mrs. Christa Harkrader, wife of Sgt. Joseph L. Harkrader, serial No. RA 43000321, has recently undergone radical operation for bilateral papillary carcinoma of the ovaries and, at the present time, is undergoing deep X-ray therapy for this condition.

2. The prognosis of this condition is poor, and the 5-year survival rate following treatment is under 50 percent.

3. Mrs. Harkrader should remain in close proximity to a medical center capable of observing and treating cancer of the female genital organs.

4. It is likely that further treatment in the form of radioactive colloidal gold may be indicated in the future. Such treatment is available, at the present time, only in the United States.

5. I am also informed by the chief of the pulmonary tuberculosis division of this hospital that it is contemplated that a partial rib resection of the lung may be indicated for the cure of a tuberculous lesion.

E. N. AKERS,
Lieutenant Colonel, MC.,
Chief, Obstetrics and Gynecology Service.

FITZSIMONS ARMY HOSPITAL,
Denver 8, Colo., April 3, 1953.

UNITED STATES IMMIGRATION DEPARTMENT,
Denver, Colo.

DEAR SIRS: This is to inform you that Christa M. Harkrader who has been under our care for 10 weeks has 3-centimeter X-ray lesion in her left lung, pre-

sumed to be tuberculosis. This has been stable by X-ray for 6 months and is negative on repeated bacteriological studies.

In view of this and the fact that the patient has cancer of her ovaries, we do not feel that she should be further hospitalized for tuberculosis at this time. We further feel that she at the present time constitutes no hazard to other people. She should be followed by X-rays at 3-month intervals.

H. B. MARTIN,
First Lieutenant, Medical Corps,
Ward Officer, C-2.

Approved:

EMIL W. SAGER,
Major, Medical Service Corps,
Chief, Medical Records, Reports and Tabulating Division.

HEADQUARTERS AND HEADQUARTERS BATTERY,
537TH FIELD ARTILLERY BATTALION,
Camp Carson, Colo., March 15, 1954.

Hon. EDWIN C. JOHNSON,
Senator of the United States, Washington, D. C.

DEAR SENATOR JOHNSON: With reference to your letter to Mrs. Christa M. Harkrader, dated March 3, 1954, the following additional information is provided.

As Sergeant First Class Harkrader's commanding officer, I have taken a rather personal interest in this case, since Sergeant First Class Harkrader is one of my best noncommissioned officers and a definite asset to the Regular Army.

The following are the facts of the case as I understand them: Sergeant First Class Harkrader and his wife were married in Germany on January 16, 1950. On January 29, 1950, Sergeant First Class Harkrader was transferred to the United States, assuming that his wife would follow shortly. Mrs. Harkrader was notified in August of 1950, just before she was to depart for the United States, that a medical examination showed she had what was then diagnosed as tuberculosis and therefore was not eligible to enter the United States. On September 1, 1950, Sergeant First Class Harkrader left the United States for Korea where he served until December 14, 1952. During this period he had tried, through the Red Cross and other agencies, to arrange for his wife to enter the United States for medical treatment. It was, however, not until the sergeant had returned to the United States and made a trip to Germany that he was able to have his wife admitted under visa for treatment of the tuberculosis.

Mrs. Harkrader entered the United States on July 3, 1952, and consequently entered a private sanatorium in Virginia for treatment on July 21, 1952. She was transferred to station hospital, Camp Stoneman, Calif., on October 24, 1952. And on January 10, 1953, she entered Fitzsimons Army Hospital, Denver, Colo.

Shortly after Mrs. Harkrader's admission to Fitzsimons an examination showed that she had developed a widespread malignant growth, and was at the sime given little chance to recover. However, with excellent medical treatment the has continued to recover and was released in outpatient's status May 1953. She has since been receiving deep X-ray therapy.

Sergeant First Class Harkrader was notified, by the immigration authorities in Denver in the late fall of 1953 that since her tuberculosis had been certified by the hospital as being arrested, her temporary visa would not be extended beyond the expiration date of January 7, 1954. This in spite of the fact that Mrs. Harkrader is still receiving periodic treatments.

In late January, I accompanied Sergeant First Class Harkrader and his wife to Denver in an attempt to clear up the situation. We visited the immigration office where we were flatly told that the Service was not interested in anything but the fact that the original purpose for which Mrs. Harkrader had been admitted was accomplished and that she would have to leave the United States and apply for a permanent visa at a United States consulate on foreign soil. I contacted both the Mexican and British consular representatives in Denver with a view toward having Mrs. Harkrader admitted to either Canada or Mexico for the purpose of applying for a permanent visa. I was informed that the present governmental policies of these countries prohibits such action.

This puts the Harkraders in the position of trying to finance the trip to Germany and back, putting an added burden on their already extended finances. However, the sergeant would be willing to stand the hardship and expense if he could rest assured that the redtape would not involve another 2-year separation and as

much expense to get her back into the country as it did for her to join him originally.

I personally feel that it is a disgrace that a man who has served his Nation in two wars and who will spend much of the rest of his life serving his country should be subjected to such treatment.

This case has been delayed in being referred to you, Senator, since both the sergeant and I felt we should make all possible effort to solve the situation before taking the time of the United States. The Immigration Service is now literally breathing down the Harkraders' neck, in addition to which this battalion is moving to Fort Sill, Okla., on March 23, 1954.

I personally will be extremely grateful for any help you can give. Incidentally my wife and I are both natives of Denver.

TIMOTHY H. DONOVAN,
First Lieutenant, Artillery, Commanding.

In addition, the following letter, with attached memorandum, dated April 15, 1955, was submitted to the chairman of the Committee on the Judiciary of the House of Representatives by the Commissioner of Immigration and Naturalization:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 15, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4455) for the relief of Christa Harkrader, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHRISTA HARKRADER, BENEFICIARY OF H. R. 4455

The beneficiary, Christa Harkrader, was born on March 15, 1929, at Dresden, Sachsen, Germany, and is a citizen of that country. She was married on January 16, 1950, in Germany to Sgt. Joseph M. Harkrader, a member of the United States Army, and is presently living with her husband at Lawton, Okla. She completed eight grades in elementary school in Germany and has had no employment record other than as a domestic before her marriage. She has no property or other assets, and has no income other than her support from her husband's salary. Her parents and 2 brothers are residing in Germany, and she has 1 married sister who is living in the Russian Zone of Germany. From birth until her entry into the United States in 1952, she resided in Germany, with the exception of 1944 and 1945, when she attended a school operated by an uncle in Czechoslovakia.

The beneficiary arrived in the United States on July 7, 1952, at New York, N. Y., and was admitted as a visitor under the ninth proviso of section 3 of the act of 1917 for medical treatment for tuberculosis. Her permission to be in the United States expired on January 7, 1954, and she is now illegally in this country. It appears that she is eligible to no form of relief under the Immigration and Nationality Act. However, it appears that she is entitled to a nonquota status in the issuance of an immigrant visa because of her marriage to a United States citizen.

The beneficiary denies any arrests or convictions for any violation of law except for illegal border crossing from the Russian Zone to the American Zone in Germany. She admits that she was given a 3-month jail sentence for this offense. She denies any political activities but admitted that some distant relatives were Nazi leaders but claimed that her immediate family had been anti-Nazi and had not taken any part in the political affairs of Germany, either before or after the war. She entered the United States for the purpose of receiving treatment

for tuberculosis. She was dismissed from the Fitzsimons Army Hospital at Denver, Colo. during May 1953 the disease having been arrested and considered inactive for 12 months.

Sgt. Joseph M. Harkrader, the husband of the beneficiary, was born on June 21, 1927, at Panther W. Va. and has been a member of the United States Armed Forces since July 16, 1945. He is financially unable to provide any necessary hospital treatment abroad for his wife. He and his wife have no savings and own very little personal property.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4455) should be enacted.

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Calendar No. 981

84TH CONGRESS, 1st Session | SENATE | REPORT No. 974

ARTUR SWISLOCKI OR ARTHUR SVISLOTZKI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5283]

The Committee on the Judiciary, to which was referred the bill (H. R. 5238) for the relief of Artur Swislocki or Arthur Svislotzki, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who admits the commission of a crime involving moral turpitude and one who has been deported from the United States, in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native of Poland and last a citizen of Israel who last entered the United States on March 5, 1949, at which time he was readmitted from Canada as a student. He first entered the United States on October 31, 1947, as a student. At the time of his last entry, however, he had abandoned his student status and was returning to the United States for the purpose of engaging in unauthorized employment. On February 2, 1951, the beneficiary married Roslyn Unger, a United States citizen, and they have one citizen child. The beneficiary's application for suspension of deportation was denied since the beneficiary admitted the commission of perjury in connection with his applications for extension of his student stay. His application for voluntary departure and preexamination was likewise denied. With the waivers provided for in the bill, the beneficiary will be able to depart from the United States and qualify for a visa for permanent residence.

A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5283) for the relief of Arthur Swislocki or Artur Svislotzki, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As the husband of a United States citizen, Mr. Swislocki would, under normal circumstances, be entitled to nonquota status in the issuance of an immigrant visa under section 101 (a) (27) (A) of the Immigration and Nationality Act. He is, however, inadmissible to the United States under section 212 (a) (9) of that act, as an alien who admits having committed a crime involving moral turpitude; namely, perjury. Furthermore, under section 276 of the act, an alien who has been deported must obtain the consent of the Attorney General to reapply for admission to the United States.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARTUR SWISLOCKI OR ARTHUR SVISLOTZKI, BENEFICIARY OF H. R. 5283

The beneficiary, Artur Swislocki, also known as Arthur Svislotzki, was born on December 26, 1927, in Warsaw, Poland. He was last a citizen of Israel. On February 2, 1951, in New York, N. Y., he married Roslyn Unger, a native citizen of the United States. They are the parents of one child, Eileen Karen, who was born in New York City on September 23, 1953. The beneficiary resides with his wife and child in the Bronx, N. Y., where he is employed as a salesman in a children's toy and furniture firm. His salary, with commission, averages from $90 to $100 per week. He earns an additional $50 to $70 per week exporting electrical appliances to Israel where they are marketed by his father. His assets consist of approximately $1,200 in bank deposits. The beneficiary graduated from high school in Israel in 1945 and thereafter served in the Army of Israel until October 1947. He attended Clarkson College, Potsdam, N. Y., and the Adirondack School of Commerce at Malone, N. Y. His parents and brother reside in Israel.

The beneficiary last entered the United States at Rouses Point, N. Y., on March 5, 1949, at which time he was readmitted from Canada as a student. He first arrived at the port of New York on October 31, 1947, at which time he was admitted as a student for a period of 1 year, with subsequent extensions to October 30, 1950. At the time of his last entry, however, he had abandoned his student status and was returning to the United States for the purpose of engaging in unauthorized employment. Deportation proceedings were instituted on November 9, 1950, with the issuance of a warrant of arrest which charged that he was an immigrant not in possession of a valid immigration visa at the time of his last entry, and that he entered the United States without inspection. He was accorded a hearing in deportation proceedings on December 18, 1950, at which time he was ordered deported on the first charge contained in the warrant of arrest. This order was affirmed by the central office of this Service and on January 8, 1951, a warrant of deportation was issued. On November 8, 1951, the Board of Immigration Appeals dismissed the beneficiary's appeal and denied his application for suspension of deportation based on an alleged economic detriment to this United States citizen spouse, since he failed to establish good moral character for the statutory 5-year period, having admitted the commission of perjury in con-

nection with his applications for extension of his student stay. His application for voluntary departure and preexamination was likewise denied. On December 7, 1951, and again on February 27, 1952, his requests for reopening of the proceedings were denied by the Board. Private bill H. R. 1116, which was introduced in the 83d Congress in behalf of the beneficiary, failed of enactment.

Congressman Sidney A. Fine, the author of the bill, submitted the following affidavit in support of the bill:

IN THE MATTER OF ARTUR SWISLOCKI OR ARTHUR SVISLOTZKI

File No. A–6795034

STATE OF NEW YORK,
County of Bronx, ss:

Roslyn Swislocki, being duly sworn deposes and says that I am the wife of the above-named respondent, Artur Swislocki. I am a native-born American citizen, having been born in the city of New York on September 18, 1930.

I first met my husband on September 6, 1950, by chance at a friend's bome and from that date on we kept company and were married, first at a civil ceremony in Mount Vernon, N. Y., on February 2, 1951, and thereafter by a religious ceremony in the city of New York, on February 11, 1951.

Since about the month of March 1951 I have not been employed and I have been and continue to be completely and entirely dependent upon my husband, the above-named respondent, for support and maintenance.

Since on or about May 1, 1951, my husband and I have been residing in our own apartment at premises 609 East 170th Street, in the Borough of Bronx, city of New York, and for which the rent is $43.70 per month.

For the past 2 or 3 months I have not been physically well and have been and continue to be under the care and treatment of Dr. Margot Hoffmann, whose statements are hereto attached and made a part hereof. I am also informed by Dr. Hoffmann that I may be in a condition of pregnancy at this time.

Insofar as my husband is concerned, I can state without the slightest attempt at exaggeration, that we are completely happy and that he has been and continues to be a wonderful and loving husband, loyal and faithful in every way. I have found him to be and he is, a person of unquestionable integrity and irreproachable character.

I respectfully request and plead with the Board of Immigration Appeals to grant him the relief of voluntary departure and preexamination so that my future and my married life will not be a torn asunder and so that my happy marriage will not be destroyed.

ROSLYN SWISLOCKI.

Sworn to before me this 17th day of December 1951.

CATHERINE G. ZIESCHE,
Notary Public, State of New York.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 5283) should be enacted.

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Calendar No. 982

84TH CONGRESS
1st Session

SENATE

REPORT
No. 975

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VALERIE ANNE PETERSON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6396]

The Committee on the Judiciary, to which was referred the bill (H. R. 6396) for the relief of Valerie Anne Peterson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 3-year-old native of Jamaica, British West Indies, of East Indian descent, presently residing in that country. She is to be adopted by Dr. Freddie N. Peterson, a citizen of the United States. Dr. Peterson has been doing missionary work in Jamaica directing the work of the Dupont Creche and Youth Centre. She is a physician and surgeon and a specialist in general plastic and reconstructive surgery. The natural parents have relinquished all rights to the child because of their extremely poor economic situation. Dr. Peterson states that the beneficiary is above average in intelligence and that she wishes to adopt the child and provide a home for her. Dr. Peterson has recently returned to the United States to resume her medical practice.

A letter, dated June 10, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Director of the

Visa Office, Department of State, with reference to the case, reads as follows:

DEPARTMENT OF STATE,
Washington, June 10, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: Reference is made to your letter of May 24, 1955, and its enclosures, wherein you requested a report of the facts in the case of Valerie Anne Peterson, beneficiary of H. R. 6396, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Kingston, Jamaica, states that Dr. Freddie Nadine Peterson called at that office on March 22, 1955, to make application for a special nonquota immigrant visa under the Refugee Relief Act on behalf of Valerie Anne Peterson, who was born in Jamaica on September 15, 1951.

Dr. Peterson, who apparently is a single woman, has indicated a desire to adopt the child Valerie. Since there is no adoption law in Jamaica, Dr. Peterson has been unable legally to adopt the child there and wishes to bring her to the United States for adoption. She has submitted to the consulate general documents preparatory to such adoption.

However, under the provisions of the Refugee Relief Act an American citizen who has no spouse may not bring an orphan child into the United States, regardless of whether such child has been adopted abroad or is intended to be adopted in the United States. Such children must apply for immigrant visas under the Immigration and Nationality Act. In view of the foregoing, it does not appear tnat Valerie may be considered eligible to receive a visa under the Refugee Relief Act.

As an applicant for an immigrant visa under the regular procedure, the child would be chargeable to the nonpreference portion of the quota for India by reason of her East Indian descent. As this portion of the quota for India is heavily oversubscribed, she would encounter an indefinite waiting period before a quota number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Valerie Anne Peterson would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Congressman John W. McCormack, the author of the bill, submitted the following information regarding the beneficiary of the bill and her adoptive mother:

To Whom It May Concern:

I, Freddie Nadine Peterson, am a citizen of the United States of America, at present in Kingston, on the island of Jamaica, for the purpose of doing missionary work. I herewith present the following statement of facts concerning myself and Valerie Anne Peterson. This deposition is for the purpose of establishing Valerie as an eligible orphan under the Refugee Relief Act of 1953. I hereby state as follows:

1. I, Freddie Nadine Peterson, am a physician and surgeon, having graduated from the Northwestern University Medical School in Chicago, Ill. I am a specialist in maxillofacial and general plastic and reconstructive surgery and am a diplomate of the American Board of Plastic Surgery. I am a member of the American Medical Association, the State of Wisconsin Medical Society, and the Medical Society of Milwaukee County. I am a resident of the town of Oconomowoc, Waukesha County, State of Wisconsin. On February 14, 1954, I arrived at Kingston, Jamaica, to direct the work of the new Dupont Creche and Youth Centre. A little girl, Valerie Singh, was one of the first children to come under the care and supervision of the Creche and I have felt a very keen interest in this child ever since. As a result of this interest, I have legally assumed all responsibility for this child and am most anxious to take her home with me so that she may not only be assured a good education but also the love and guidance and home life to which every child is entitled. I expect to leave for home early in 1955.

2. Valerie is of East Indian descent, born in Jamaica, and was 3 years old on September 15, 1954. While both the father and the mother are alive, they have played little, if any, part in the life of the child. The family consists of 7 children, the oldest girl of 14 supplying what care the little ones manage to receive. The

father has not worked for many years and makes no effort to contribute to the support of his family. The mother is illiterate and in very poor health. She does a little "selling" when she is able to, and this constitutes the entire income of the family. Most of the time they have no food, they have a few rags for clothes, and they live in a hovel in a yard of mud and filth in the worst area of the island.

3. My interest in this child was aroused primarily for two reasons. First, she is keenly alert and above average in intelligence and in spite of her poor background, has responded to food and care, experience and teaching, in a remarkable way. Secondly, she was by far the most neglected and badly cared for child to enter the Creche. This was true not only from the standpoint of proper clothing but also from the standpoint of malnutrition and personal hygiene. The evidences of the filth and degradation of her surroundings were brought to the Creche with her. For these reasons, feeling that she needed help more than any other child I have ever contacted and because I feel that she has good potentialities, given the right opportunities, I took over the care of this child. From the time she entered the Creche, we have supplied her with the necessities of life—food and clothing. Not having a home of my own here, I have kept her with me in the home of friends. Recently, however, I have managed to secure a home, and Valerie is living with me.

4. I herewith enclose the adoption agreement between myself and the parents of Valerie. Since the mother and father have relinquished all rights to the child and have given her up to me, it is felt that she may be considered an abandoned child and since she no longer has any contact with either parent or other members of her family, I am of the opinion that she should not only be considered an abandoned child but also as one separated from her family. I trust, then, that on the basis of this abandonment by and separation from the parents, Valerie may be considered an eligible orphan under the Refugee Relief Act of 1953.

5. It is necessary for me to establish Valerie as an eligible orphan because the nonpreference quota to which she would belong is long oversubscribed and as the figures stand at the present time, I would be unable to have her with me during our entire lifetime.

6. If given the opportunity, I hereby do solemnly swear to adopt Valerie according to the laws of the States and to raise her in such a manner as to give her every opportunity to become a good and worthwhile citizen of the United States. Permission for immigration into the United States and for her adoption there by me, has been included in the contract between the parents and myself.

ADDITION TO STATEMENT OF FACTS CONCERNING VALERIE ANNE MARIE PETERSON AND F. N. PETERSON, M. D.

The preceding statement was written last October 1954, at the time of the signing of the adoption agreement. I wish to point out that it has been almost a full year since I took over the care of Valerie, even though the papers had not been drawn up or signed.

Valerie has more than lived up to my expectations of her. She has adapted herself so well that there has never been the slightest evidence of awareness of a previous way of life; and she continues to show an exceptional ability to respond and to learn.

If Valerie is not allowed to go home with me, I shall have no alternative but to put her in an institution. She is a very lovable child, whom I have grown to love as my own, and who needs the security of her loved ones around her. I feel that institutionalization would be most harmful and detrimental to her well-being. I hope to return to my home and practice in June of this year (1955) and I sincerely trust that you will be able to consider Valerie an eligible orphan and allow her to accompany me. I most sincerely believe that no one will have any reason to regret a decision in our favor.

I readily verify the above statement of Dr. Freddie Peterson, M. D., and express the hope that the pertinent authorities will give favorable consideration to her petition.

J. J. MCELENEY, S. J.,
Roman Catholic Bishop in Jamaica, British West Indies.

JAMAICA, *ss:*

I, Deryck Harvey Francis Stone, of 20 Duke Street, in the parish of Kingston in the island of Jamaica, British West Indies, a notary public duly authorized admitted sworn and practicing in the island of Jamaica, British West Indies, do hereby certify that on the day of the date hereof personally came and appeared

before me Mary Kaliher and Wellesley Bourke, both of the parish of Kingston, and both of whom are well known to me being the attesting witnesses to the due execution of the within indenture made on the 1st day of October 1954 between James Singh and Icilda Singh therein described of the one part and Freddie Nadine Peterson therein described of the other part and—

(1) The said Mary Kaliher, being by me duly sworn, made oath and said that she was present and did see the said James Singh duly sign and seal and as and for his proper act and deed deliver the within indenture for the purposes therein mentioned and further did read over and explain the within indenture to the said Icilda Singh who thereupon expressed her full understanding thereof and signed the same by affixing her mark thereto and sealed and delivered the same for the purposes therein mentioned.

(2) The said Wellesley Bourke, being by me duly sworn, made oath and said that he was present and did see the said Freddie Nadine Peterson duly sign and seal and as and for her proper act and deed deliver the within indenture for the purposes therein mentioned.

In faith and testimony whereof I have hereunto set my hand and affixed my notarial seal at 20 Duke Street, Kingston, Jamaica, British West Indies, this 11th day of November 1954.

[SEAL] H. F. STONE, *Notary Public.*

JAMAICA, *ss:*

This indenture is made the 1st day of October 1954 between James Singh, of the parish of Kingston and Icilda Singh, his wife (hereinafter called "the parents"), of the one part and Freddie Nadine Peterson, of Oconomowoc, State of Wisconsin, in the United States of America, doctor of medicine (hereinafter called "the adopting party") of the other part: Whereas the adopting party has at the request of the parents agreed to maintain, educate, and adopt their infant child Valerie Singh now of the age of 3 years (hereinafter called "the infant") on the terms and conditions hereinafter appearing, now this indenture witnesseth and it is hereby agreed and declared as follows:

1. The parents having delivered the infant to the adopting party the infant shall be permitted to live with and to be under the care of the adopting party and to be educated and brought up by her at her expense.

2. The adopting party undertakes at her sole expense to give the infant a thoroughly good education suitable to her rank in life and properly to maintain the infant and at all times during her infancy to furnish her with all things necessary and suitable for a person of her age and rank in life.

3. The parents shall not seek either effectually or otherwise and whether by legal process or in any other manner to remove the infant from the care and custody of the adopting party or in any manner to interfere with the reasonable discretion of the adopting party in relation to the maintenance and education of the infant and the parents hereby irrevocably release the said infant for immigration into and adoption in the United States of America.

4. The surname of the infant may be changed from "Singh" to "Peterson" should the adopting party so desire.

In witness whereof, the said parties have hereunto set their hands and seals the day and year first hereinbefore written.

[SEAL] JAMES SINGH.
[SEAL] ICILDA (her mark) SINGH.
[SEAL] FREDDIE N. PETTERSON, M. D.

Signed, sealed, and delivered by the said James Singh and Icilda Singh in the presence of me, the undersigned, and the said Icilda Singh being unable to read and write the contents of the foregoing indenture were first truly and audibly read over and explained to her by me when she expressed her full understanding thereof and signed by affixing her mark thereto.

MARY KALIHER.

Signed, sealed, and delivered by the said Freddie Nadine Peterson in the presence of:

WELLESLEY BOURKE, *Solicitor.*

WILKINSON CLINIC,
Oconomowoc, Wis., January 21, 1955.

To Whom It May Concern:

I have known Dr. Freddie Peterson for many years and know her to be a person of good character. She is deeply religious and active in church affairs, and owns a comfortable home on Lac La Belle in Oconomowoc. She is a highly

respected member of this community, and her associates in the medical profession have a high regard for her ability and attainments as a physician and surgeon.

It is our understanding that on her return from her present charitable mission she will be associated with the Wilkinson Clinic in Oconomowoc. Active staff appointments at Memorial Hospital, Oconomowoc, and St. Mary's Hospital, Watertown, will be available to her on application, and I am confident she would have an income in excess of $10,000 per year.

JOHN D. WILKINSON, M. D.

Subscribed and sworn to before me this 21st day of January 1955.

[SEAL] ELVA S. MATHESON, *Notary Public.*

My commission expires April 28, 1957.

WAUWATOSA STATE BANK,
Wauwatosa, Wis., February 16, 1955.

To Whom It May Concern:

The undersigned has known Dr. Freddie Peterson for over 25 years as both a business adviser and a friend.

I also have had the pleasure of knowing her parents for about the same number of years and have visited many times in their home. It is my opinion that her family background was of the best.

Though her social activities were always done in moderation, she has made friends easily and kept them.

She is known to be a hard and sincere worker, and needless to say is looked up to in the medical profession. The doctor has always maintained a fine residence in line with her professional standing.

Taking all into consideration, educational qualifications, her manner of living, her interest in community affairs, her social life, and her professional position, I am sure that Dr. Peterson would do creditably with any child she would endeavor to raise.

Very truly yours,

ARTHUR B. KOHASKY, *President.*

Subscribed and sworn to before me this 17th day of February 1955.

[SEAL] RAYMOND C. GUNN, *Notary Public.*

My commission expires June 17, 1956.

MILWAUKEE 4, WIS., *March 3, 1955.*

To Whom It May Concern.

Dr. F. N. Peterson is the owner of a completely furnished eight-room home which is located on Lake La Belle in Oconomowoc, Wis. In addition to the home there is a four-car garage, boathouse, and a combination bathhouse and storage building. The property is free and clear of all encumbrances.

The doctor also owns a Chris-Craft boat which is now on the premises.

Because of the scarcity of fine lake property today and the big demand for it, it would be difficult to arrive at a sale price. However, the replacement cost, which would be less than the sale price, for the furnished home, accessory buildings, and land would easily approach $45,000.

The Chris-Craft boat is valued at $1,200 by the insurance company, and would bring close to that at a sale.

Very truly yours,

CHARLES W. MENTKOWSKI,
Attorney at Law.

STATE OF WISCONSIN,
Milwaukee County, ss.

Personally came before me, this 18th day of March 1955 the above-named Charles W. Mentkowski, to me known to be the person who executed the foregoing instrument and acknowledged the same.

MARGARET H. SCHRAML, *Notary Public.*

My commission expires December 1, 1957.

THE MEDICAL SOCIETY OF MILWAUKEE COUNTY,
Milwaukee, Wis., January 7, 1955.

To Whom It May Concern.

I have been asked to enumerate several points concerning the professional reputation of Dr. Freddie N. Peterson.

Dr. Peterson has been a member of this society, the State Medical Society of Wisconsin, and the American Medical Association since 1943. She is, of course, in good standing.

She graduated from the Northwestern University School of Medicine in 1940. She is certified as a diplomate in the American Board of Plastic Surgery. Dr. Peterson has enjoyed a very fine professional reputation throughout her years of practice in this community as did her father before her. Her father, Dr. E. F. Peterson, is a past president of this organization.

Besides the above-enumerated professional qualifications, Dr. Peterson has been very active in committee work on behalf of organized medicine as well as an active member of our speakers' bureau, has appeared on television shows, radio broadcasts, etc.

Dr. Peterson was a member of the staff at St. Mary's Hospital and Milwaukee Children's Hospital, both in this city, and the new Oconomowoc Memorial Hospital.

Very truly yours,

JAMES O. KELLEY, *Executive Secretary.*

Subscribed and sworn to before me this 7th day of January 1955.

[SEAL] ROSEMARY M. SCHMIT, *Notary Public.*

My commission expires June 5, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 6396) should be enacted.

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Calendar No. 983

84TH CONGRESS, 1st Session } SENATE { REPORT No. 976

YUJI DOI AND MRS. MATSUYO YAMAOKA DOI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6613]

The Committee on the Judiciary, to which was referred the bill (H. R. 6613) for the relief of Yuji Doi and Mrs. Matsuyo Yamaoka Doi, having considered the same, reports favorably theron without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the readmission into the United States of Yuji Doi and Mrs. Matsuyo Yamaoka Doi, the parents of four United States citizen children. The bill also waives the excluding provision of existing law relating to one who has been deported from the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are a 68- and 66-year-old husband and wife and they are both natives and citizens of Japan. They first entered the United States on August 26, 1907, in transit. The female beneficiary remained in the United States until 1910, when she departed for Japan. She returned to the United States on July 16, 1915, when she was lawfully admitted for permanent residence. In January 1931, she accompanied her husband to Japan and reentered on April 25, 1931, upon presentation of a reentry permit. She again accompanied her husband to Japan on March 25, 1941, and has since resided in that country. The male beneficiary remained in the United States from 1907 until January 1931, when he departed for a visit to Japan. He reentered on April 25, 1931, in possession of a reentry permit. It was subsequently discovered that his entry in 1907 was not one for permanent residence, and he was, therefore, not

entitled to the reentry permit he has used to reenter this country in 1931. He departed on March 25, 1941, under an order of deportation. The beneficiaries are parents of 4 sons and 1 daughter. All are citizens except one son, who is now an applicant for naturalization. The three native-born sons served honorably in our Armed Forces during World War II. The children state that their parents will be adequately provided for if they are permitted to reenter this country.

A letter, with attached memorandum, dated May 12, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 1491, which was a bill introduced in the 83d Congress for the relief of the same beneficiaries, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C. May 12, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1491) for the relief of Yuji Doi and Mrs. Matsuyo Yamaoka Doi, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill was first introduced in the 82d Congress and would have waived the provisions of section 13 (c) of the Immigration Act of 1924, as amended, under which aliens ineligible for citizenship because of race were excluded from admission to the United States. The Immigration and Nationality Act now in effect does not contain any racial bar to admission for permanent residence. It appears, however, that the quota limitations of that act may be an impediment to the admission to the United States of the beneficiaries. In this connection, it is noted that they are chargeable to the quota of Japan.

It is also noted that Yuji Doi has been heretofore deported from the United States and therefore is inadmissible under section 212 (a) (17) of the Immigration and Nationality Act.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE YUJI DOI AND MRS. MATSUYO YAMAOKA DOI, BENEFICIARIES OF H. R. 1491

Mr. Yudi Doi and his wife, Mrs. Matsuyo Yamaoka Doi, natives and citizens of Japan, were born on December 1, 1887, and an unknown date in 1889, respectively. Coming from Mexico, they first arrived in the United States at El Paso, Tex., on August 26, 1907, when they were admitted as aliens in transit to Vancouver, Canada. They interrupted their journey to Canada at Los Angeles, Calif., and became domiciled in California.

Mrs. Doi remained in the United States from August 26, 1907, until 1910, when she departed for Japan. She returned to the United States on July 16, 1915, when she was lawfully admitted for permanent residence. In January 1931 she accompanied her husband to Japan and was readmitted to the United States on April 25, 1931, upon presentation of a reentry permit which she had obtained prior to her departure. She again accompanied her husband to Japan, departing from the United States on March 25, 1941, and has since resided in that country.

Yuji Doi remained in the United States from 1907 until January 1931, when he departed on a visit to Japan. He reentered the United States on April 25, 1931, and was admitted to the United States upon presentation of a reentry permit which had been issued to him upon the basis of his entry on August 26, 1907. On October 13, 1936, Mr. Doi again applied for a reentry permit. Subsequent investigation disclosed that his entry into the United States in 1907 had not been a lawful entry for permanent residence and that, consequently, he was not entitled to the reentry permit which he had used to reenter the United States in 1931. Deportation proceedings were instituted on charges that, at the time of his entry into the United States on April 25, 1931, he was an immigrant not in possession

of a valid immigration visa, and that he was subject to exclusion as an alien ineligible to citizenship. Mr. Doi departed from the United States on March 25, 1941, under an order of deportation. He proceeded to Japan where he has since resided.

During their stay in the United States prior to March 25, 1941, Mr. and Mrs. Doi resided in California. Mr. Doi was variously employed as a farmer, hotel operator, and merchant.

Mr. and Mrs. Doi have four sons and a daughter, all adults, who reside in Chicago, Ill. All were born in California except one son who was born in Japan on March 26, 1911, while his mother was on a visit to that country. He is now an applicant for naturalization. The three native-born son served honorably in the United States Armed Forces during World War II. Each of the sons earns at least $5,000 a year and is willing to contribute to the support of his parents. The daughter's husband has also agreed to contribute to the support of his wife's parents.

Congressman Thomas O'Brien, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 29, 1955.

CHAIRMAN, JUDICIARY COMMITTEE,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: The enclosed letter is submitted to you as per telephone converstation with your office this morning.

The Doi family I have known personally for a number of years and have always found them to be a family who are first class in every respect, I also know that they are all capable to taking complete care of their parents, Mr. Yuji Doi and Mrs. Matsuyo Yamaoka Doi, who are desirous of entering the United States for permanent residence.

Sincerely yours,

THOMAS J. O'BRIEN,
Member of Congress.

CHICAGO, ILL., *October 31, 1950.*

Hon. THOMAS O'BRIEN,
House of Representatives,
Washington, D. C.

DEAR MR. O'BRIEN: The undersigned sons and daughter of Mr. and Mrs. Yuji Doi are desirous of bringing their aged parents, who now reside in Japan, to this country to spend the remaining years of their lives, with their children. Our mother, Mrs. Matsuyo Yamaoka Doi, was issued a return permit for an indefinite stay in the United States in 1941. Due to the war this was not used and in all likelihood has expired. We are writing to you with a plea for your assistance in securing permits for permanent stay in the United States for our father and our mother.

We have made inquiries at the Immigration Office in Chicago where it was suggested that we apply for a visitor's permit for our father which would permit him to stay for a period of 6 months to a year and at that time could apply for permission for indefinite stay. Since our parents would have to dispose of all their belongings in Japan, including their present home, and since they will not be permitted to take any money with them out of Japan, the entire cost of transportation and other costs would have to be borne by us. It is necessary, therefore, that we have a more substantial guaranty of permission for indefinite stay for our parents in order to avoid complications at a later date which might result in additional financial burden to us.

Our father, Mr. Yuji Doi, was born in 1888 in Hiroshima, Japan, and entered the United States on August 6, 1906, through El Paso, Tex., from Mexico en route to Canada. He resided in southern California (in and around Oxnard, Calif.) from 1906 until 1941. In January 1931 he visited relatives in Japan and returned in April 28, 1931, under a return permit issued him by the immigration authorities. In 1936 he again desired to visit Japan but his request for a return permit was denied. Soon after, deportation proceedings were commenced against him for illegal entry.

In 1941, our father tried to appeal the deportation order and took his appeal to the Federal court in Los Angeles, but the appeal was denied. Thereafter, rather than be deported, he left the United States voluntarily on April 24, 1941.

For a period of 35 years our father was an outstanding and model resident of this country. Three of his four sons saw active service with the United States Armed Forces during World War II. Two of us were members of the 442d Battalion which served in Europe. While waiting to be discharged in Europe, Jimmy Doi volunteerred for an additional 3 years service in the Far Eastern theater of operations. We attach for your information and use photostatic copies of these records.

We, the 4 sons and 1 daughter, all citizens of the United States, own our own home, and now reside in Chicago at 3834 Lexington Street. We guarantee unconditionally complete care of our parents and affirm that they would not at any time become a public charge. We would have our parents reside with us at 3834 Lexington Street, Chicago, Ill.

We would be eternally grateful if you could assist us in our plea to have our parents come to the United States to live with us. With deep appreciation for whatever you can do toward this end, we are

Very sincerely yours,

ISAMU DOI.
DICK DOI.
MICHAEL DOI.
JIMMY DOI.
MATSUE DOI ASAMOTO.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 6613) should be enacted.

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Calendar No. 984

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 977

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VLADIMIR LANDOW AND IRINA LANDOW

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 19]

The Committee on the Judiciary, to which was referred the bill (S. 19) for the relief of Vladimir Landow and Irina Landow, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, following the word "fees." strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Vladimir Landow and Irina Landow. The bill provides for the payment of the required visa fees. The bill has been amended to delete the quota charge, inasmuch as the beneficiaries were previously admitted as lawful permanent residents.

STATEMENT OF FACTS

The beneficiaries of the bill are a 34-year-old couple, natives and citizens of Russia, who last entered the United States on December 23, 1949, at New York as displaced persons. The husband is employed as a designer-drafter and the wife is a laboratory technician in Cleveland, Ohio, where they reside. The beneficiaries have been found deportable because of misrepresentations made regarding their nationality at the time of application for visas. They stated they were of Polish nationality because they feared repatriation to Russia.

A letter, with attached memorandum, dated June 27, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 27, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 19) for the relief of Vladimir Landow and Mrs. Irina Landow, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for the Union of Soviet Socialist Republics.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VLADIMIR LANDOW, AND MRS. IRINA LANDOW, BENEFICIARIES OF S. 19

The beneficiaries, Vladimir Landow and Irina Landow, have also been known as Vladimir Babuk and Irina Babuk, respectively. Mr. Landow was born on January 23, 1921, at Uretchie, Russia, and Mrs. Landow was born on June 23, 1921, at Vologda, Russia. The beneficaries are citizens of the Union of Soviet Socialist Republics. They were married at Regensburg, Bavaria, Germany, on July 13, 1945, under the name of Babuk. They have no children and reside at 12318 Chesterfield, East Cleveland, Ohio.

Mr. Landow is employed at a designer-draftsman at the Clark Controller Co., Cleveland, Ohio. His wife, Irina Landow, is employed as a laboratory technician at the Huron Road Hospital, Cleveland, Ohio. Mr. Landow has the equivalent of 1 year of college and was educated in Russia. He is a trained metalworker and designer-draftsman. Mrs. Landow has received special instruction as a physiological laboratory technician at various schools in Europe. The male beneficiary has an income of $350 a month, and his wife has an income of $240 a month. Their assets consist of $5,000 in savings, an automobile valued at $700, and furniture valued at $750.

Mr. Landow's father is deceased and his mother, Ann Nemcova, was last known to be residing in Smolensk, Russia. He has no brothers or sisters. Mrs. Landow's father is deceased. Her mother and brother were last known to be residing in Vologda, Russia. The beneficiaries have resided in Cleveland, Ohio, and maintained their present places of employment for the greater portion of the time they have been in the United States. The beneficiaries were displaced persons in Germany prior to entering the United States. Mr. Landow was a member of a labor battalion sent to occupied Poland by the Russians and was later used by the Germans in forced labor. Mrs. Landow was also a member of a German forced labor unit at the time the beneficiaries met.

The beneficiaries entered the United States on December 23, 1949, at the port of New York, N. Y. when they were admitted for permanent residence as displaced persons under the provisions of section 3 (b) of the Displaced Persons Act of June 25, 1948. On April 15, 1953, warrants of arrest in deportation proceedings were issued against the beneficiaries on the grounds that they, at the time of entry, were not of the nationality specified in the visas and that their visas were not valid, because procured by fraud and misrepresentation. Mr. Landow was accorded a hearing on September 30, 1954, and his wife on November 17, 1954. They were both ordered deported in that they were not of the nationality specified in their visas, that their visas were procured by fraud and

misrepresentation, and that they admit crimes prior to entry: Perjury and forgery. On December 3, 1954, Mr. Landow appealed to the Board of Immigration Appeals which directed that the outstanding order of deportation be withdrawn and that he be permitted to depart voluntarily to any country of his choice within such period of time and under such conditions as the officer in charge of the district deems appropriate. It was further directed that if he failed to depart, the order of deportation was to be reinstated and executed. No appeal was made by Mrs. Landow and a warrant of deportation which was issued on December 16, 1954, is outstanding.

Mr. and Mrs. Landow were beneficiaries of H. R. 5585, 83d Congress, 1st session, upon which bill Congress took no action. A report on that bill was submitted to the Committee on the Judiciary on November 28, 1953. The beneficiaries have had no military service in the United States or abroad. Investigation has disclosed that they have become well adapted to American customs, are industrious, loyal to the United States, and enjoy a good reputation where they work and in the neighborhood in which they live.

The beneficiaries have testified to having falsely registered with the White Russian Committee in Regensburg, Germany, as Vladimir and Irina Babuk, of Polish nationality. They stated that they adopted the fictitious Polish names and nationality following the Yalta Conference in Europe in order to avoid repatriation to Russia. Both beneficiaries maintained this false identity and nationality during their application for immigrant visas as displaced persons and until after their arrival in the United States.

Senator George H. Bender, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

THE CLARK CONTROLLER CO.,
Cleveland, Ohio, March 14, 1955.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

GENTLEMEN: I am writing in reference to a personal bill, S. 19 that has been introduced by Senator Bender for the purpose of granting relief and permanent residence to Vladimir Landow (Walter Babuk) and his wife, Irene.

This family was displaced as an aftermath of the war. The details concerning their displacement and their difficulties with our immigration laws are available to you and have been mentioned in previous correspondence from people in our company.

Mr. Landow was employed by the Clark Controller Co., October 6, 1951, and is at present a member of our new products division. He is primarily engaged in electromechanical work and enjoys the respect of all of his associates and the high confidence of the manager of the department. Also, all reports that I have received on Mr. Landow indicate that he is a man of high American ideals and is well adjusted socially among the members of his profession.

I know that others, including the minister of his church, have written you concerning the character of both he and his wife and have emphasized his acceptability as a permanent resident of the United States.

I am writing because I have made a personal investigation of this problem that has been hanging over Mr. and Mrs. Landow for several years. It would be a shocking thing to his many friends in the Clark Controller Co. if he were ordered to leave the country on the basis of the circumstances as we understand them. It is evident to all of us that his highest ambition is to become a free American citizen and he has suffered much at the hands of the Communists and the disruptions of the war. I have made a point of becoming acquainted with Mr. Landow in the past 12 months and I have a high opinion of him, both as a man and an engineer.

I too have become interested in the Landows' personal problem and believe that it is the moral and the American thing to do to pass this bill which I understand would eliminate the technicalities which might otherwise lead to the deportation of this couple.

After careful investigation I do not hesitate to say I believe no mistake would be made in taking this action.

Very truly yours,

ROBERT H. HOGE, *President.*

HURON ROAD HOSPITAL,
East Cleveland, Ohio, March 21, 1955.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

GENTLEMEN: I am writing in reference to a personal bill, S. 19 that has been introduced by Senator Bender for the purpose of granting relief and permanent residence to Vladimir Landow (Walter Babuk) and his wife, Irene.

Mrs. Irene Landow is at present employed in the laboratory at Huron Road Hospital as a medical technician. She is well trained for this position and at present is performing many of the more difficult tests in the laboratory. Her work is accurate and carefully performed and with the shortage of medical technicians I believe she should be classed as an essential employee. It would be very difficult to replace her.

During her past 4 years of service in my department at Huron Road Hospital, I have found Mrs. Landow to be of fine character, honest, and appreciative of her presence in the United States.

I believe she shows desire to become an American citizen, if possible, and appreciates the benefits of our country.

Because of these facts, I hope you will find it possible to act in her favor in her petition to remain in this country.

Sincerely yours,

EDWARD GOODSITT, M. D.,
Pathologist.

GENERAL ELECTRIC CO.,
LAMP DIVISION,
Cleveland, Ohio, March 4, 1955.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

GENTLEMEN: Senator Bender has introduced a personal bill, S. 19, to grant relief and permanent residence to Vladimir Landow (Walter Babuk) and his wife Irene, a DP family. I understand that, due to a technicality, they could be deported unless this bill is acted upon within 6 months. As I understand it, this technicality resulted from the fact that they were not as fortunate in their DP camp advisers as were most of the DP's. I believe they are no less worthy to become United States citizens than the other DP families who have had no such trouble.

Mrs. Kenty and I have known the Landow's since they first came to Cleveland nearly 5 years ago. We met them through another DP family. We assisted them in finding a place to live, near us, and along with others of Noble Road Presbyterian Church and the First Baptist Church helped them in setting up housekeeping. The Reverend E. W. Pocock, our pastor (then of Noble Road Church) assisted Irene in finding work as a laboratory technician at Huron Road Hospital and one of our church members, Mr. William Mica, gave Vladimir a job in his metal-box factory. Since then Irene has given fine service at the hospital and Vladimir, after becoming a highly valued employee of Mr. Mica, went on to a larger job with the Clark Controller Co., where he has risen to the position of design draftsman.

My wife and I have been in close touch with Vladimir and Irene as friends ever since. We want to state unreservedly that they are exceptionally fine people, honest, industrious, law abiding, and kind to their neighbors. They have experienced much hardship and persecution at the hands of communism and are bitter enemies of it. They deeply appreciate the freedom they enjoy here.

They dream of the day when they might own their own home and assume the full responsibilities of American citizenship. But this can be no more than a dream while the present dark cloud hangs over them; the fear of having to leave the country of their choice.

Mrs. Kenty and I fervently hope that you may be able to take favorable action in time to make their dream come true. If so we are sure our country will be gaining two splendid citizens who will be a credit to society wherever they are, and a most deserving couple will be made very happy.

Most sincerely yours,

CARL KENTY,
Research Physicist.

SHAKER HEIGHTS, OHIO, *March 4, 1955.*

SENATE JUDICIARY COMMITTEE
Senate Office Building, Washington, D. C.

SIRS: This letter is in the interest of Vladimir Landow (Walter Babuk) and his wife Irina who are the subjects of personal bill S. 19 introduced by Senator George H. Bender, of Ohio.

I have known both Mr. and Mrs Landow intimately since they came to Cleveland about 5 years ago. At that time I was pastor of the Noble Road Presbyterian Church, Cleveland Heights, but have since retired. Vladimir was first employed by Mr. William E. Mika at the B. & B. Metal Box Co. I know his employer well and know from him that Vladimir gave high satisfaction as a worker. After a year or more Vladimir went to the Clark Controller Co. where he has since been employed.

I was able to help Irina find employment at the Huron Road Hospital as a laboratory technician in work for which she was trained. She began as a volunteer worker but quickly proved her worth and was made a member of the laboratory staff. She continues in that position at present.

During these years I have been in close touch with this couple. I have been in their home and they have been in mine many times. My wife and I treasure them among our good friends. Through our contacts we know beyond any doubt that their ideals and dreams are in full harmony with all we in America cherish. I am only one of their many friends and acquaintances who hope and pray that they may be given a clear opportunity to prove their worth and make their own contribution to our common life.

Yours respectfully,

EUGENE W. POCOCK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 19), as amended, should be enacted.

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Calendar No. 985

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 978

FRED P. HINES

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 204]

The Committee on the Judiciary, to which was referred the bill (S. 204) for the relief of Fred P. Hines, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, line 1, strike the words "in excess of 10 per centum thereof".

PURPOSE OF AMENDMENT

The purpose of the proposed amendment is to eliminate payment of attorneys' fees from the award provided in this legislation.

PURPOSE

The purpose of the proposed legislation, as amended, is to provide for the payment of the sum of $778.78 to Fred P. Hines, of Minot, N. Dak., which sum represents the amount necessary to pay private medical and hospital expenses incurred by him incident to an emergency operation when his physical condition was such that he could not be moved to a Veterans' Administration hospital.

HISTORY OF LEGISLATION

An identical bill of the 81st Congress, S. 2618, passed the Senate on July 26, 1950. In the 82d Congress a similar bill, S. 827, was approved by the Congress and was vetoed by the President on August 30, 1951. On July 4, 1952, the Senate overrode the President's veto.

An identical bill, S. 152, passed both Houses of the Congress in the 83d Congress, and was vetoed by the President on July 20, 1953.

STATEMENT

Mr. Fred P. Hines served in the United States Army during the Spanish-American War from April 29, 1898, to the date of his honorable discharge on November 18, 1898. When he was discharged no defects, other than an eczema condition which was incurred prior to enlistment, were noted. A pension award has been approved on behalf of the veteran under the act of June 5, 1920, as amended. At the present time, he is receiving a pension in the sum of $90 per month for a non-service-incurred disability considered to be permanent and total in degree.

Mr. Hines was admitted as a patient at the Veterans' Administration Hospital, Fargo, N. Dak., from September 22, 1941, to May 14, 1942, during which time it was discovered that he was suffering from cancer. Following several extensive surgical procedures, he was discharged from that hospital on the above-mentioned date. The claimant was admitted to the same hospital again on February 7, 1948, for treatment for abdominal complaints. The survey conducted revealed no recurrence of cancer, but it did reveal a hernia at the site of the previous abdominal operations. He was treated with an abdominal belt and was discharged from the hospital on March 4, 1948, his symptoms having disappeared.

He was temporarily hospitalized at the same hospital on June 2, 1948, for 1 day. The doctors felt that a surgical repair of the hernia was too serious for a man of his age (75 years old at that time). He was again treated conservatively.

The sum stated in the bill ($778.78) represents the cost of private medical and hospital treatment incurred by Mr. Hines on July 14, 1948 (1 month following his discharge from temporary hospitalization in the Veterans' Administration hospital at Fargo) for an obstruction which should have been discovered and remedied at the said veterans' hospital.

This veteran has applied to the Veterans' Administration to be reimbursed for these private hospital and medical expenses. The Veterans' Aministration, after a review of all the circumstances, ruled that the agency had no legal authority to assume financial responsibility for Mr. Hines' private medical and hospital expenses. The letter from the Veterans' Administration points out that veterans suffering from service-connected disabilities may be reimbursed for expenses incurred for treatment by private physicians in private institutions if certain conditions have been met. The Veterans' Administration states that the disability for which this veteran sought treatment was not service-connected and states that even were it so considered, other conditions precedent to authorization for reimbursement were not met.

The claimant contends that at the time of his previous treatments the question of whether his disability were service-connected or non-service-connected was not raised and he feels that inasmuch as his condition was such that it required an immediate operation and there was no time to question the decision of the medical authorities at the Veterans' Administration hospital, his claim was justified.

There is little doubt but that the Veterans' Administration is correct in its interpretation of the regulations concerning this veteran's entitlement to medical care and treatment. Legally, the claimant has no ground for recovery. However, certain factors have prompted the committee to recommend that the bill be favorably considered. Mr. Hines served his country honorably and well in the Spanish-American War. He had previously been afforded treatment by the Veterans' Administration without question as to the nature of his disability. He cannot be presumed to have been acquainted with all the rules and regulations regarding authorization for reimbursement for private medical and hospital expenses. Mr. Hines was 75 years of age and was, under the circumstances, most apprehensive concerning his condition. It is believed that his reaction was not unusual under the circumstances. The committee is informed that he is unable to work and that his pension just about keeps him and his wife alive. Correspondence in the file indicates that the Veterans' Administration medical personnel examined Mr. Hines and attributed his pain and suffering to a hernia condition. However, the private physician states that his examination showed an abdominal obstruction and that a gastroenterostomy was performed and that the hernia was not touched.

By the favorable consideration of the proposed private legislation, the committee does not desire that it be considered a reflection upon any individual or any administrative branch of the Veterans' Administration. Further, the committee does not consider this decision in the nature of a precedent but the factors outlined above lead the committee to believe that there are equitable considerations which warrant an exception to the general law and tip the scales in the favor of this soldier. Accordingly, it is recommended that the bill, as amended, be favorably considered.

Attached and made a part of this report is a letter from the Veterans' Administration dated December 20, 1949.

VETERANS' ADMINISTRATION,
Washington, D. C., December 20, 1949.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR MCCARRAN: This is in response to a request from the Department of Justice dated October 11, 1949, for a report to your committee on S. 2618, 81st Congress, a bill for the relief of Fred P. Hines, which provides as follows:

"That the Administrator of Veterans' Affairs is authorized and directed to pay, out of any money available for the payment of compensation and allowances to veterans, to Fred P. Hines (C–2389074), of Minot, North Dakota, the sum of $778.78, representing the amount necessary to pay private medical and hospital expenses incurred by him incident to an emergency operation when his physical condition was such that he could not be removed to a Veterans' Administration hospital: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Evidence of record discloses that Fred P. Hines (C–2389074) served with the United States Army during the Spanish-American War from April 29, 1898, to the date of his honorable discharge on November 18, 1898. No defects were noted upon physical examination conducted prior to discharge except that of an

eczema condition which was incurred prior to enlistment. On April 29, 1899, claimant filed an application for pension with the then Bureau of Pensions alleging the following disabilities to have been incurred in service, "diarrhea, piles, rheumatism, and catarrh of gall bladder accompanied by jaundice." This claim was denied for the reason that a ratable degree of disability was not shown upon examination. On August 4, 1920, claimant filed an application undert he act of June 5, 1920 (41 Stat. 982; 38 U. S. C. 351), which provided service pensions to eligible veterans of the war with Spain, the Philippine Insurrection, and the China Relief Expedition, based upon disabilities not connected with service. Pension awards have been approved in behalf of the veteran under the act of June 5, 1920, and acts amendatory thereto since that date. At the present time he is receiving pension in the sum of $90 per month for non-service-connected disability considered to be permanent and total in degree.

War veterans who are suffering from a disability, disease or defect, not connected with their active military service, and who swear that they are unable to defray the expenses of hospitalization may be furnished necessary hospital and medical treatment by the Veterans' Administration to the extent that facilities are available. In that connection Mr. Hines was admitted as a patient at the Veterans' Administration hospital, Fargo, N. Dak., from September 22, 1941, to May 14, 1942, during which time it was discovered that he was suffering from cancer. (I am informed that it would be medically unwise to transmit this information to Mr. Hines, since it is not known whether he has been informed of the nature of the serious condition for which he has been treated.) Following several extensive surgical procedures, he was discharged from that hospital on the afore-mentioned date. The veteran was admitted to that hospital again on February 17, 1948, with some abdominal complaints of 1 month's duration. He received a detailed medical survey to determine the possibility of a recurrence of the cancer. None was found. Physical examination, laboratory, and X-ray studies revealed no evidence of any malignancy. However, he did have a hernia at the site of the previous abdominal operations. He was treated for this conservatively with an abdominal belt, and was discharged from the hospital March 4, 1948, his symptoms having disappeared. He was temporarily hospitalized at the same hospital on June 2, 1948, and again conservative treatment of the hernia was the method of choice. Since it was felt by the hospital staff that a surgical repair of the hernia was of too great a magnitude for a man of his age (75 years at that time) to sustain unless there were definite indications that it was a necessity, this was not done.

Although the veteran was apparently well aware of his eligibility to hospitalization at a Veterans' Administration hospital, as evidenced by his admission and treatment at the Fargo, N. Dak., installation, on two known occasions he sought and received private hospital and medical care, which, of course, was his prerogative. On February 19, 1947 (some 5 years following his discharge from the Fargo Veterans' Administration Hospital), the veteran submitted a claim for cost of unauthorized medical services in the sum of $46.84, representing hospital and doctor care occasioned during the month of January 1947. By letter dated February 21, 1947, the veteran was notified by the Veterans' Administration that there was no legal basis to pay his claim since the conditions (hernia and asthmatic bronchitis) for which he was treated were non-service-connected.

Again, on July 14, 1948 (1 month following his discharge from temporary hospitalization at the Veterans' Administration hospital, Fargo, N. Dak.), the veteran submitted himself to private hospital and medical treatment for a condition not associated with his service. Thereafter, representatives of Mr. Hines inquired of the Veterans' Administration as to his entitlement to reimbursement for such private hospital and medical expenses. Following an official review of all the circumstances in this case, the veteran's representatives were notified that the Veterans' Administration had no legal authority to assume financial responsibility for the cost of Mr. Hines' private medical and hospital treatment. S. 2618 would provide that the Administrator of Veteran's Affairs pay the sum of $778.78 to the veteran for such expenses.

All eligible veterans suffering from service-connected disabilities have a right to be afforded necessary medical care and treatment by the Veterans' Administration, including out-patient treatment, and if beds are not available in Veterans' Administration hospitals or other Federal hospitals which have agreed to accept veterans, arrangements may be made to place them in suitable State, county, municipal, or private hospitals at governmental expense. Supplementing this broad medical program is authority for payment or reimbursement of medical expenses for medical treatment, including the necessary traveling incidental

thereto, obtained without prior authorization from the Veterans' Administration, under the following conditions:

(1) It must be shown by decision of an adjudicative agency of the Veterans' Administration that the disability from the disease or injury for which treatment had been rendered was service-connected, or determined by medical officers of the Veterans' Administration as aggravating such service-connected disability.

(2) The treatment must have been rendered in a medical emergency.

(3) Government facilities must have been not feasibly available.

(4) Delay would have been hazardous.

All of these elements must have existed, and if any was lacking, reimbursement cannot be authorized. Apart from consideration of other elements, since the condition for which Mr. Hines received medical and hospital treatment was non-service-connected, there is no authority for payment of the claim with which S. 2618 is concerned.

As shown above, war veterans who are suffering from a disability, or defect, not connected with their active military service, may under certain conditions, be furnished necessary hospital and medical treatment by the Veterans' Administration. There is no record in this case, however, of any request by the veteran or his representative for admission to a Veterans' Administration hospital for treatment of the type which his private physician had determined was indicated and ultimately rendered and for which reimbursement is sought through S. 2618.

In passing, the attention of the committee is invited to H. R. 4074, Eighty-first Congress, which proposes to confer upon veterans of the Spanish-American War group suffering from non-service-connected disabilities the same rights to hospitalization and medical care as are enjoyed by war veterans suffering from service-connected disabilities. The bill is pending before the House Committee on Veterans' Affairs and available records disclose that a subcommittee has conducted hearings thereon.

Regarding the sum ($778.78) which is proposed to be paid by the bill, it is deemed pertinent to state that had the requirements for entitlement to reimbursement of and payment for unauthorized medical expenses been met in this case, which they were not, only those fees which are considered reasonable and not in excess of those customarily charged the general public for similar services in the locality where rendered could have been paid. The Veterans' Administration is unable to determine the exact sum which would have been payable as reimbursement or payment in such event without further investigation to determine specifically what medical services were furnished. In the absence of entitlement to reimbursement of or payment for medical treatment in this case the Veterans' Administration has not secured these data.

The enactment of S. 2618 would be discriminatory in that it would remove the claim of Mr. Hines from the provisions under which payment for reimbursement of cost of unauthorized medical expenses has been or would be denied in cases similarly circumstanced. It would constitute a precedent for similar proposals in behalf of other claimants. Furthermore, it appears that the adoption of the principle of this bill might, in effect, be an incentive to veterans to engage the services of private physicians and hospitals, with the Government ultimately paying the costs thereof, and to disregard medical care and treatment which the Government affords through tne Veterans' Administration, the quality of which ranks with the best and most modern available.

The Veterans' Administration does not believe that private bills of this nature should receive favorable consideration.

Advice has been received from the Bureau of the Budget that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

CARL R. GRAY, JR., *Administrator.*

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Calendar No. 986

84TH CONGRESS, 1st Session } SENATE { REPORT No. 979

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MRS. INGEBORG C. KARDE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 213]

The Committee on the Judiciary, to which was referred the bill (S. 213) for the relief of Mrs. Ingeborg C. Karde, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of the Immigration and Nationality Act, Mrs. Ingeborg C. Karde shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Mrs. Ingeborg C. Karde. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and also provides for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native and citizen of Germany whose husband, Dr. Klaus Karde, is a lawful resident alien of the United States. They both entered the United States as visitors on January 21, 1951, and failed to depart on time. When action was taken against them, they finally departed voluntarily in 1953. Three months later, Dr. Karde was readmitted as a permanent resident of the United States, but the beneficiary was unable to accompany him because she had suffered an attack of tuberculosis in 1944, although the latest test on January 26, 1955 showed the TB to be arrested. She was granted a nonimmigrant visa on April 1, 1955, and is presently in the United States. Her husband is a diesel engine expert and is employed in a diesel-manufacturing organization in Illinois at a good salary. He is highly skilled in this field.

A letter, with attached memorandum, dated March 31, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 31, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of January 27, 1955, for a report on the bill S. 213 for the relief of Mrs. Ingeborg C. Karde there is attached a memorandum of information prepared from the files of the Immigration and Naturalization Service concerning the beneficiary.

The bill would provide that notwithstanding the excluding provisions of the Immigration and Nationality Act relating to aliens afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, Mrs. Karde may be admitted to the United States for permanent residence upon the posting of a suitable and proper public charge bond and provided she is otherwise admissible under the Immigration and Nationality Act.

It is noted that the bill does not provide that the waiver shall apply only to grounds for exclusion known to the Department of Justice and the Department of State prior to the enactment of the act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INGEBORG CHRISTA KARDE, BENEFICIARY OF S. 213

Ingeborg Christa Karde (nee Sauer) a native and citizen of Germany, was born on April 27, 1921. She first entered the United States with her husband, Klaus Christian Karde, as a temporary visitor on January 21, 1951. On May 27, 1952, deportation proceedings were instituted against her and her husband on the grounds that they were not bona fide visitors but were in fact immigrants who intended to remain permanently in the United States. They departed voluntarily from the United States on September 15, 1953, and Mr. Karde was readmitted to the United States as a permanent resident at the port of New York on December 5, 1953. He is presently employed as a research and development manager for the Harnischfeger Corp. at Crystal Lake, Ill., at a salary of $860 per month. Mrs. Karde has remained in their home at Hamburg, Germany, since she left the United States in 1953. Mr. Karde's assets consisting of personal property amount to approximately $5,500. Other than her husband the beneficiary has no relatives in the United States.

Mrs. Karde is ineligible to receive a visa and is inadmissible to the United States as an alien afflicted with tuberculosis. She and her husband were the beneficiaries of private bills S. 1569 and H. R. 4540 in the 82d Congress and S. 256 and H. R. 1661 in the 83d Congress, all of which failed of passage.

A letter dated June 28, 1955, to the chairman of the Senate Committee on the Judiciary from the Director of the Visa Office, U. S. U. S. Department of State, reads as follows:

JUNE 28, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR KILGORE: Reference is made to your letter of January 27, 1955, and its enclosures, wherein you requested a report in the case of Mrs. Ingeborg C. Karde, beneficiary of S. 213, 84th Congress, 1st session.

Information contained in the Department's files indicates that Mrs. Karde applied for an immigrant visa at the American consulate general at Hamburg, Germany, and was found ineligible under section 212 (a) (6) of the Immigration and Nationality Act in that she was afflicted with tuberculosis. The foregoing information further reveals that pursuant to advance authorization for temporary admission into the United States for medical treatment granted by the Attorney General on February 14, 1955, under the provisions of section 212 (d) (3) of the Immigration and Nationality Act, the consulate general at Hamburg issued Mrs. Karde a nonimmigrant visa on April 1, 1955. It also appears from the above-mentioned information that Mrs. Karde is presently in this country.

At this time the Department has no knowledge of any factor in Mrs. Karde's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Karde from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

Senator Alexander Wiley, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

Carpentersville, Ill., January 20, 1955.

Re Mrs Ingeborg Karde and Dr. Klaus Karde.

Hon. EVERETT M. DIRKSEN,
United States Senator,
Senate Office Building., Washington, D. C.

DEAR SIR: We, the undersigned, as residents of Illinois, are writing this letter in the interest of justice, our American way, and our countrys' benefit.

We are, and have been, Dr. Karde's associates since or shortly after his entry into this country in January 1951. We feel that every consideration possible should be given Mrs. Karde's entrance to this country consistent with the laws governing the situation.

However, we feel the following factors are of great importance to us and to the country.

First, each of us in our own particular field have worked for various organizations with top and key personnel. We have never before worked with a man who has given so much knowledge and experience to the diesel industry under such hardship and suspense. We refer, of course, to the fact that Dr. Karde is staying over here under the impression that his wife will soon be admitted to this country. We should like to point out that in our opinion our country has benefited greatly in the 3 years Dr. Karde has been here. Due entirely to Dr. Karde's knowledge and experience in the diesel field, our engine has been improved so much that even competitors are using some of the advances recommended by him.

Secondly, in view of the dire need of experienced engineers in this country, every effort should be made to retain Dr. Karde's services. We cannot stress too highly the respect we have for Dr. Karde's experience and knowledge, and our high regard for him as a man and a possible citizen.

Thirdly, it seems that in following well-meant instructions given them by the Harnischfeger Corp., Dr. and Mrs. Karde have lost approximately 3 years which could have been applied toward obtaining their citizenship papers.

In conclusion, we have known Dr. and Mrs. Karde since shortly after their entrance into this country, and to the best of our knowledge and belief, Mrs. Karde was neither sick nor in need of medical service during the entire time they spent in this country. We feel sure that should she ever require medical attention

she would not be a burden on our country, since Dr. Karde is in a position to financially handle any such contingencies. We know that Mrs. Karde has a sincere love for this country and has every intention of making this her future home.

We wish this letter to serve as our highest possible recommendation and reference for Dr. and Mrs Karde and we trust that you as the people's representative will do your best to see that this matter is brought to a successful conclusion as soon as humanly possible. Please call on us at any time should you wish further information.

Respectfully,

Merle W. Paquette, research and design engineer; Roy O. Erickson, design engineer; John Whalen, mechanical engineer; Abel R. Reinken, laboratory supervisor; John Wiedman, laboratory technician; Mervin Shanafelt, research and design engineer; Willard V. Putz, design engineer; John Tudor, draftsman; Raymond J. Rettler, senior laboratory technician; Leonard Johanson, laboratory technician.

This letter has also been sent to the Honorable Paul H. Douglas.

[Translation]

JANUARY 27, 1955.

Re Mrs. Ingeborg Karde, born April 27, 1921.
Sanitarium "Holsteinische Schweiz"

Upon request of Mrs. Karde X-ray examinations in layers have been made here January 26, 1955.

In accordance with previous X-ray examinations in layers some scars are noticeable in the right lung. It was impossible to find any indications of active spots, particularly of cavern formation.

In conjunction with all other X-ray tests results, available here, it is our opinion, that the condition of the lung is stationary since 1949.

(Signed) Dr. GREGGERSEN, M. D.,
Medical Superintendent.

RE DR. KLAUS C. KARDE AND MRS. INGEBORG C. KARDE

For many years, in fact as early as 1946–47, the Harnischfeger Corp. had been in search for a good, qualified, high-grade diesel engineer, but without much success in locating one in the United States. While conducting this search, Dr. Klaus C. Karde was brought to the attention of the company, and subsequently interviewed by Mr. Walter Harnischfeger and other officials of Harnischfeger Corp. Subsequently, in 1949, Dr. Karde made application for employment with Harnischfeger Corp., diesel engine division.

Dr. and Mrs. Karde made application to immigrate to the United States in 1950. However, the Internal Security Act was passed and prevented his coming over. This would have meant considerable delay in Dr. Karde's coming to the United States. As an alternative, Dr. and Mrs. Karde came to the United States on visitor's visa in order for them to determine whether or not they would like to stay in this country. They decided they would like to stay, and special bills were introduced by Senator Alexander Wiley, Senate bill 568, and Congressman Charles J. Kersten, H. R. 4540, seeking relief of Dr. and Mrs. Karde. Subsequently, the new McCarran Act was passed, under which persons who are experts in a specialized field and vital to the national defense could immigrate on a nonquota status.

At the expense of Harnischfeger Corp., Dr. and Mrs. Karde were returned to Hamburg, Germany, and reapplication for admission to the country was filed on Form I–129 of the Immigtation and Naturalization Office. Dr. Klaus Karde was cleared and readmitted to the United States on December 5, 1953, and is now employed with the Harnischfeger Corp. as a special consultant engineer.

Mrs. Ingeborg C. Karde, however, was not cleared by one Dr. Carl S. Schultz, United States Public Health Service, attached to the United States consulate general at Hamburg, Germany, on the grounds that she has scar tissue on her lungs and her case is doubtful as to active tuberculosis. This medical opinion was corroborated by Dr. Cabot Brown, tuberculosis consultant of the United States Public Health Service. Mrs. Karde had ample qualified medical evidence by German doctors stating that her condition was cured.

Our Mr. Frank C. Edwards, general manager, diesel engine division, has devoted considerable time and effort to gaining entrance for Mrs. Karde. He visited personally with the consul general in Hamburg, and held consultation with Dr. Cabot Brown. It was the opinion of Drs. Cabot Brown and Schultz that further treatment is necessary for Mrs. Karde, and such treatment appears to be available only in the United States. Consequently, we arranged for Mrs. Karde to apply for nonimmigrant quota admission for treatment in the United States. The American vice consul, by letter dated July 19, 1954, denied her application on the grounds recited in his letter, copy of which is attached.

Mrs. Karde had originally passed an examination for a visitor's visa. Consequently, so far as the German medical authorities are concerned, no treatment is necessary. Drs. Shultz and Cabot Brown, however, feel that further treatment is necessary. Inasmuch as series of tests conducted in 1949 and early 1954 showed negative, we do not know the basis upon which Drs. Shultz and Brown base their conclusion. It seems that if the tests are negative and German specialists say that she is cured, there would be no way for her to secure treatment and it would be of no purpose to secure treatment in Germany. On the other hand, if Drs. Shultz and Brown are correct, that she does need treatment, it seems obvious that she could secure treatment only in the United States, where whatever her deficiencies might be would be recognized.

The real problem in this case, of course, is the fact that Dr. Karde was admitted under the McCarran Act, but because of technicalities is separated from his wife. We cannot be sure how long Dr. Karde will continue to be satisfied to work under conditions indicating that there seems to be no solution to getting Mrs. Ingeborg Karde over here to join him.

Dr. Karde receives a very substantial salary from Harnischfeger Corp. and has an important position. While it is our contention that Mrs. Karde is completely cleared of tuberculosis, or consumption, if she is not, Dr. Karde can well afford to provide her with all the expert medical and institutional attention she would require to be cured in the event of a recurrence or flareup of the TB.

Dr. Klaus Karde is of extreme importance to Harnischfeger Corp. in the development of our diesel engine. The development of a two-cycle diesel engine in commercial sizes has been the desire of many men and companies. In the United States, only General Motors Corp. and the Harnischfeger Corp. have been successful in the high-speed two-cycle engine field. There is much to be gained by the public in this development, as it will provide low-cost power and more power per pound of engine than in the four-stroke cycle engine, now commonly used. The Harnischfeger Corp. development does more in this respect than others because lightweight metals are used. This is in line with European design with which Dr. Karde is well acquainted, and is evidenced by records of education and letters of recommendations on file. His experience will eliminate many years of costly experimentation in the furtherance of this program.

During the past several years, he has been acting as a consultant to the diesel division research department, and has conducted calculations and experiments with various types of two-cycle diesel engines with much improvement in the engine. He has also brought about new ideas in design of additional diesel engine equipment, which after proper test, we intend to put into manufacture. These new ideas are of such importance that we believe they will be a major contribution to the two-cycle diesel engine field soon.

The services of other men of Dr. Karde's caliber are not available to Harnischfeger Corp., since there are few having his background, and these men are with other companies.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 213), as amended, should be enacted.

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Calendar No. 987

84TH CONGRESS, 1st Session } SENATE { REPORT No. 980

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MELANIE SCHAFFNER BAKER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 235]

The Committee on the Judiciary, to which was referred the bill (S. 235) for the relief of Melanie Schaffner Baker, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7 change the period to a comma and add the following:

under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of the wife of a United States citizen and former member of our Armed Forces. The bill has been amended to provide for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Switzerland who has never been in the United States. She was married in January 1952 and was in a tuberculosis sanatorium from June to November 1952. The doctors pronounced the tuberculosis arrested. Recent information reveals that the beneficiary's latest TB test indicates the disease is not stable. The beneficiary's husband resides in Wichita, Kans., and is employed by the Zenith Meat Co.

Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in this country.

A letter, with attached memorandum, dated August 16, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3309 which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

AUGUST 16, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3309) for the relief of Melanie Schaffner Baker, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form and would grant the alien permanent residence if she is found to be otherwise admissible.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MELANIE SCHAFFNER BAKER, BENEFICIARY OF S. 3309

Information concerning the beneficiary was obtained from her husband, Clyde L. Baker, who resides in Wichita, Kans.

The beneficiary, Melanie Schaffner Baker, a native and citizen of Switzerland, was born May 25, 1930. She has never been in the United States. Beneficiary presently resides with her parents, Walter and Elizabeth Schaffner, Zopf, Kt. Aargau, Switzerland, her birthplace. She has one sister, Alice, who also lives with her parents.

Beneficiary was refused an immigration visa by the American consul at Frankfort, Germany, in October 1953, because of her medical history which revealed she had previously had tuberculosis and was in a tuberculosis sanatorium in Switzerland from June 1952 to November 1952, when doctors there pronounced the tuberculosis arrested.

Mrs. Baker attended public school in Switzerland for 12 years. She went to London in 1948 where she worked variously as a waitress and nursemaid. She was married to Sgt. Clyde L. Baker, an American soldier, in January of 1952, at Spang-Dahlen, United States Air Force Base, Germany. The couple lived together at Spang-Dahlen with the exception of the time beneficiary spent in tuberculosis sanatorium, until Sergeant Baker's transfer back to the United States in December of 1953. They have no children.

The sponsor, Clyde L. Baker, is presently residing at 120½ South Topeka, Wichita, Kans. He is employed as a sausage grinder by the Zenith Meat Co. of that city and receives $70 a week. He has no money or property. Mr. Baker was born in Smith Center, Kans., on January 23, 1925, and attended public schools there for 10 years. After quitting high school in his sophomore year, Mr. Baker worked as a farm laborer from 1942 to 1948.

A previous marriage to Ruby Moon, of Stockton, Mo., was terminated by a divorce on August 28, 1948. There were no children by the first marriage. Sponsor was arrested on March 22, 1948, for issuance of a worthless check. He was placed under $500 bond and was later released upon payment of court costs and redemption of the worthless check. Mr. Baker has 3 brothers and 4 sisters. His parents, Mr. and Mrs. Leonard Baker, and one brother live in Smith Center, Kans. The Leonard Baker family has been receiving some form of relief regularly since August of 1937 and are currently receiving aid for their one son still at home who is mentally retarded.

Clyde L. Baker served in the United States Army from September of 1948 to January of 1954 and held a rating of sergeant at the time of discharge.

Senator Frank Carlson, the author of the bill, has submitted a number of letters in support of the bill, among which are the following:

SMITH CENTER KANS., *January 20, 1954.*

HON. FRANK CARLSON,
United States Senate, Washington, D. C.

DEAR MR. CARLSON: It is with mingled feelings of pride, anxiety and overpowering anticipation that I approach you with the details of a personal situation of such delicacy its outcome can have a vast effect on the lives of myself, my wife, her parents and mine. Having held you in high esteem for years I have a well-founded faith that you may be of great assistance in the matter.

Last week, on January 6, I was discharged from the Army at Fort Knox, Ky., after serving since September 1948. In August of 1950 I sailed for England with an engineer aviation battalion. Soon thereafter I met and became engaged to Miss Melanie Schaffner, a native of Othmarsingen, Switzerland, who was at that time attending a school of nursing in London, England. In March 1952 we were united in marriage in a military ceremony at the base where I was stationed at in England. One month later my wife became seriously ill with tuberculosis of the lungs. After a period of treatment in an Army hospital in England I took her to a famous sanitarium in Switzerland where she remained for 8 months under treatment and then released as an arrested and cured case. In the meantime I had been transferred to service with an engineer aviation battalion near Bitburg, Germany. A short time later I went to Switzerland and brought her back to Germany with me and we established a home near the base where I was stationed with Company C, 862 EAB, in which command I was serving as a corporal.

My wife continued to improve in health and as she was anxious to come to America as I was to have her come with me, and as the end of period of enlistment approached we opened negotiations with the consulate in Frankfurt to grant her a visa. They had promised us when she had had a negative chest for 1 year they would grant a visa. She was called for frequent examinations and as no decision had been made known to us, I was given an extension of my enlistment and soon was promoted to the grade of sergeant. In October when I was ordered to prepare myself to come back to the States in December 1953, she was called to Frankfurt for a final examination for a visa. The United States Public Health Service doctor at the consulate said she was perfectly O. K., but he wanted to watch her for another year.

So when the time came for me to leave Germany she sorrowfully returned to the home of her parents, Mr. and Mrs. Walter Schaffner at Othmarsingen, Switzerland. I embarked at Bremerhaven, Germany, on December 7, 1953, and arrived here in Smith Center a couple of days before Christmas for a short leave before being discharged.

Since then Melanie has been examined at Barmelweid Sanitorium where she was released before. The doctor there, who is a world famous specialist, says she is in fine physical condition and could not understand why the consulate in Germany had refused her a visa. She expects to apply for a visa at the American consulate in Zurich, Switzerland, in the very near future.

My wife is adept in nursing and is a splendid homemaker in every way. Sober, industrious, an unimpeachable background, intelligent and speaks several languages fluently. It was extremely hard for me to have to leave her behind when I was ordered home and she was desperately disappointed over the incomprehensible decision of the consulate in denying her the right to come home with me.

My parents have become deeply attached to her. Senator Carlson, if there is any diplomatic avenue whereby you can help make it possible for her to receive a visa so she can join me, I shall be forever grateful to you and so will my wife, her parents, and my parents, Mr. and Mrs. Leonard J. Baker. It makes it doubly hard on me to have to support her there and myself here.

Sincerely yours,

CLYDE L. BAKER
(Formerly Sgt. Clyde L. Baker).

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, February 3, 1954.

HON. FRANKCARLSON,
United States Senate.

MY DEAR SENATOR CARLSON: I acknowledge the receipt of your letter of January 23, 1954, inquiring on behalf of your constituent, Mr. Clyde L. Baker of 200 Park Street, Smith Center, Kans., regarding the immigration visa application

of his wife, Mrs. Melanie Baker, nee Schaffner, residing at Othmarsingen Kt. Aargau, Switzerland.

The visa dossier of Mrs. Baker indicates that she is registered on the waiting list of intending immigrants under the Swiss quota in the nonpreference category as of October 20, 1953. Mrs. Baker was medically examined at this office and issued a class A medical certificate on October 29, 1953, as a person afflicted with pulmonary tuberculosis. She is, therefore, inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act, which pertains to persons who are suffering from tuberculosis in any form.

With regard to the removal of a medical disqualification, a medical officer of the United States Public Health Service cannot, under his regulations, certify that an intending immigrant diagnosed as having pulmonary tuberculosis is admissible to the United States until satisfactory evidence is available that the disease has remained arrested and stable for at least 1 year, so as to establish that there is little likelihood of recrudescence. Mrs. Baker may, therefore, be reexamined on October 29, 1954, or as soon thereafter as possible. Should the examination at that time indicate that her condition has remained arrested as compared with the examination on October 29, 1953, at this office, she may hope for a favorable decision.

You may be sure that in reaching a decision with regard to Mrs. Baker the consulate general has accorded her every consideration consistent with the existing immigration law and regulations.

Sincerely yours,

C. MONTAGU PIGOTT,
American Consul General.

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Zurich, Switzerland, February 11, 1955.

HON. FRANK CARLSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR CARLSON: Reference is made to the letter dated February 3, 1954, from the American consulate general at Frankfort on the Main, pertaining to the visa application of Mrs. Melanie Baker, wife of your constituent, Mr. Clyde L. Baker, 200 Park Street, Smith Center, Kans.

Mrs. Baker's case has been transferred to this consulate general, since she is now living in Switzerland.

In view of your interest in the case, I have decided that you should be informed of the latest developments in it, even though they are far from encouraging, and even though Mrs. Baker has probably informed her husband on these points. The consulate general has just received a report from the United States Public Health Service stating that Mrs. Baker underwent another medical examination on October 29, 1954, at which time new X-rays were made. These showed that her lung condition had not remained stable since the visa refusal in Frankfort in October 1953. After further tests and observation her case was again deferred for 1 year, with October 29, 1955, set as the date for her next examination and X-rays.

I can only assure you that as soon as Mrs. Baker can obtain a satisfactory medical certificate, her visa application will receive prompt and sympathetic consideration at the consulate general.

Sincerely,

HOWARD DONOVAN,
American Consul General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 235), as amended, should be enacted.

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Calendar No. 988

84TH CONGRESS, 1st Session | SENATE | REPORT No. 981

BERI DENOVI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 411]

The Committee on the Judiciary, to which was referred the bill (S. 411) for the relief of Beri Denovi, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

Following the period in line 7, strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Beri Denovi. The bill has been amended to delete the quota charge since in similar cases involving minor alien children of United States citizens, no quota deductions are required.

STATEMENT OF FACTS

The beneficiary of the bill is a 5-year-old Japanese child born out of wedlock who entered the United States on a nonquota visa with her mother and her adoptive father, who is a United States citizen, in 1953. Subsequently it was ascertained that the beneficiary's visa had been in error, since she had been born out of wedlock. She was legally adopted by her adoptive father in 1954.

A letter, with attached memorandum, dated May 25, 1955, to the chairman of the Senate Committee on the Judiciary from the Comissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 25, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 411) for the relief of Beri Denovi, there is attached a memorandum of information concerning the beneficiary. This memorandun has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill. office of this Service, which has custody of these files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BERI DENOVI, BENEFICIARY OF S. 411

Beri Denovi, a native and citizen of Japan, was born in Kobe, Japan on January 13, 1950. Her only entry into the United States occurred on October 10, 1953, at the port of San Francisco, Calif., when she was admitted to this country upon presentation of a nonquota immigrant visa as the child of a citizen of the United States. On December 10, 1953, a warrant of arrest was issued charging her with being excludable at time of entry as she was not the child of a United States citizen and was therefore not a nonquota immigrant as her visa indicated. She was accorded a hearing before a special inquiry officer and an order was entered on August 18, 1954, granting her the privilege of voluntary departure with the provision that she be deported if she does not avail herself of this privilege.

Beri Denovi was born out of wedlock to Yoko Kominami, a native and citizen of Japan, who was admitted to the United States for permanent residence as the wife of Albert M. Denovi, a citizen of the United States. The marriage of the beneficiary's mother and Albert M. Denovi occurred in Japan on February 24, 1953, and the beneficiary was legally adopted by Mr. Denovi in Chicago, Ill., on November 17, 1954.

The beneficiary is presently residing with her mother and adoptive father at 6815 South Parnell Street, Chicago, Ill. Also living at this address is Marie Denovi, age 1 year, who is the natural born child of Mr. and Mrs. Albert Denovi. Mr. Denovi is employed as a locomotive engineer and fireman by the Santa Fe Railroad in Chicago, Ill. at a salary of about $450 per month. Mr. Denovi's assets consist of a 1951 Kaiser automobile valued at about $600 and household furnishings valued at about $700. Mr. Denvoi is the sole supporter of his wife, child, and the beneficiary.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
March 1, 1955.

Re S. 411, for the relief of Beri Denovi.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR KILGORE: In order that your committee may be fully informed when consideration is given to S. 411, please permit me to submit the attached information in support of this measure.

The beneficiary of this bill, Beri Denovi, is a 5-year-old child who is presently living with her mother and adopted father in Chicago, Ill.

After his discharge from military service, Mr. Albert Denovi returned to Japan and married Yoko Kominami, the mother of Beri Kominami Denovi. Mr. Denovi filed a visa petition for his wife and stepdaughter and brought his family to the United States. Upon their arrival to this country it was determined that Beri was born out of wedlock and therefore was not eligible for nonquota immigrant

status, but she was permitted to enter the United States with her parents. Later, the Immigration and Naturalization Service revoked the approval of the visa petition and subsequently an order of deportation was entered against this minor child.

I hope your committee will agree with me that this child should be permitted to remain in this country with her parents, and that your committee will see fit to report S. 411 in the very near future.

With kind regards,

Sincerely yours,

PAUL H. DOUGLAS.

THE ATCHISON, TOPEKA, & SANTA FE RAILWAY CO.,
MOTIVE POWER DEPARTMENT,
Chicago, Ill., November 19, 1954.

To Whom It May Concern:

This is to advise that Albert M. Denovi has been in the employ of the Atchison, Topeka & Santa Fe Railway Co. since April 18, 1947, being employed as switch fireman, Chicago terminals, and has passed his promotional examination to engineer. His position is of a permanent nature. Mr. Denovi is a good reliable employe and his services are very satisfactory.

The rate of pay is $15.68 per day, 7 days per week, exclusive of overtime.

Yours truly,

H. F. MACKEY,
Mechanical Superintendent.

Subscribed and sworn to before me this 19 day of November 1954.

[SEAL] R. V. PALMER,
Notary Public.

My commission expires January 10, 1957.

CHICAGO, *November 13, 1954.*

To Whom It May Concern:

Beri Kominami Denovi of 6815 S. Parnel at the present is in good physical condition free from any contagious or infectious disease.

H. MACKOFF, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 411), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 982

ANTHONY A. BALLORA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 425]

The Committee on the Judiciary, to which was referred the bill (S. 425) for the relief of Anthony A. Ballora, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

Following the period in line 7, strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Anthony A. Ballora. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill, inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Egypt who entered the United States at New York, on February 1 1951 as a seaman. Nine and one-half months later he was inducted into the United States Army and served for 2 years, part of the time on overseas duty. He received an honorable release and tried to enlist again, but was not permitted to do so because he was not a citizen or a legal resident alien. The beneficiary was married to a United States citizen in Jersey City, N. J. on March 5, 1955. He presently resides with his wife and her two minor children by a former marriage in Hoboken, N. J. where he is also employed. The beneficiary's father is dead and his mother and three brothers reside in Egypt.

A letter, with attached memorandum, dated May 31, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 31, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 425) for the relief of Anthony A. Ballora, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the husband of a United States citizen, Mr. Ballora is eligible for consideration for nonquota status in the issuance of an immigration visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTHONY A. BALLORA, BENEFICIARY OF S. 425

The beneficiary whose full name is Anthony Alexander Ballora was born on October 7, 1929 at Alexandria, Egypt. He entered the United States at New York, N. Y., on February 1, 1951 as a crew member of the Steamship *Agenie* and remained contrary to the terms of his admission. Deportation proceedings were thereafter instituted against him and after being accorded a hearing he was granted the privilege of departing from the United States voluntarily. To date he has not availed himself of this privilege.

The beneficiary was married to a United States citizen in Jersey City, N. J., on March 5, 1955. His wife and her two minor children by a former marriage are residing with him at 1042 Park Avenue, Hoboken, N. J. The alien stated that his father is dead and that he had a mother and three brothers residing in Alexandria, Egypt.

Mr. Ballora attended elementary school for 5 years in Egypt. After coming to the United States he obtained employment with the Sweets Company of America and the White Metal Co., both in Hoboken, N. J. Thereafter he served in the United States Army and upon his discharge he obtained employment of various types in Hoboken. He is presently working for R. Neumann & Co., 300 Observer Highway, Hoboken, N. J., and is earning an average of $60 per week. He has no assets other than some furniture estimated to be worth $1,000.

On November 14, 1951 the beneficiary was inducted into the United States Army and on October 30, 1953 was honorably discharged.

Senator H. Alexander Smith, the author of the bill, has submitted the following documents in support of the bill:

AUTOBIOGRAPHY OF ANTHONY A. BALLORA

Anthony A. Ballora was born October 7, 1929 in Alexandria, Egypt. His father, Alexander John Ballora was also born in Alexandria in 1902 and his mother, Vicki Philippou was born September 26, 1911 in Alexandria. From his birth until the age of 13 years he resided in Alexandria where he attended elementary school from 1934 to 1939. At the age of 13 years he worked at sea as a seaman aboard Greek and British ships to the age of 20 years. He first entered the United States in October of 1950 aboard the steamship *Agnete* and he returned with the ship on that same visit. On February 2, 1951 he again entered the United States aboard the steamship *Agnete* when he was discharged and paid off. He attempted to take another ship but he could not get employment. On the 19th day of September, 1951 he registered for the selective service at Local Board 22 in Hudson County, N. J. and on October 4, 1951 he was classified 1A and his selective service number was 28–22–29–828. He was inducted into the service

of the United States Army on November 14, 1951 and entered his basic training on November 23, 1951 at Indiantown Gap, Pa. for a period of 8 weeks and he continued his basic training for the next 8 weeks at Fort Bliss, Tex. On April 29, 1952 he was ordered together with his company for overseas duty and was assigned to the 552d Artillery which was in Karlsruhe, Germany, where he served with the Army until October 23, 1953 when he sailed to the United States on October 23, 1953 and was separated from his service on October 30, 1953 having served a period of 23 months and 14 days. He immediately tried to reenlist into service and was refused because he was not a citizen or a legal resident alien. He immediately joined the inactive reserves for a period of 6 years.

The Immigration Service has informed him of the new act of 1953 but has told him that he does not qualify because he does not have the 1-year period of residence prior to his induction into the United States Army. He is now subject to deportation unless he receives the assistance of the United States Senator Robert C. Hendrickson.

HOBOKEN, N. J., *April 8, 1954.*

Senator HENDRICKSON,
Washington, D. C.

HONORABLE SENATOR: I represent Anthony A. Ballora of 332 River Street, Hoboken, who is under deportation proceedings, and has been allowed voluntary departure within 30 days.

My client does not qualify under the new military act in that, when he entered the United States as a seaman, he did not remain in the United States for 1 year after his enrollment in the United States Army. My client entered the United States February 2, 1951, as a seaman aboard the steamship *Agente.* On November 14, 1951, he was drafted into the United States Army and was shipped to Germany April 29, 1952, as a member of the Armed Forces. He served until October 10, 1953, and was honorably discharged on October 30, 1953.

I believe that this case is a meritorious one requiring the assistance by a bill before Congress. In this situation he does not have the 1 year's residence prior to his enrollment in the United States Army although he served in the Army 2 years.

Will you be so kind as to advise me and to consider the presentation of a bill before Congress in this matter.

Very truly yours,

RUDOLPH R. NADDEO,
Counselor at Law.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 425), as amended, should be enacted.

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Calendar No. 990

84TH CONGRESS, 1st Session } SENATE { REPORT No. 983

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GEORGE ROLAND LAVOIE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 753]

The Committee on the Judiciary, to which was referred the bill (S. 753) for the relief of George Roland Lavoie, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, change the period to a colon and add the following:

Provided, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Canada who is married to a native-born United States citizen and is the father of 2 United States citizen children. He has entered and departed from the United States many times in following his occupation as a woodsman. He was found to be excludable upon his last application for entry because he was convicted in Canada on January 27, 1950, for breaking and entering a store in the night and theft. He was sentenced to serve 2 years in the penitentiary. Since the beneficiary's exclusion in March 1953 the citizen wife and children have

been residing with him in Canada, but the family desires to resume residence in the United States. Without the waiver provided for in the bill, the beneficiary will be unable to enter the United States.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 753) for the relief of George Roland Lavoie, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Maine, office of this Service, which has custody of those files.

The bill provides that notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, the beneficiary may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE ROLAND LAVOIE, BENEFICIARY OF S. 753

George Roland Lavoie, a native and citizen of Canada, was born on June 20, 1930, at St. Louis du Ha Ha, Province of Quebec. On December 20, 1952, he was married at Houlton, Maine, to Marilyn Jeane Gillis, a United States citizen, who was born on July 22, 1930, at Danforth, Maine. Their two small children George Mancel and Carmine Linda, who were born in the United States, reside with the beneficiary and his wife in Harvey Station, York County, New Brunswick, Canada. The alien's usual occupation is a woodsman and he is presently employed as a woodsman, mechanic, and truckdriver by the Fraser Co. in Harvey Station, New Brunswick at a yearly salary of $2,000. Mr. Lavoie completed the sixth grade of school in Canada. The beneficiary's parents reside in Canada and he has no relatives living in the United States.

The beneficiary has entered and departed from the United States many times. Between July 1951 and March 1953, he worked for the most part in the United States as a woodsman under bond. On March 30, 1953, at Madawaska, Maine, he applied for entry into the United States as an immigrant. He was held for a hearing before a special inquiry officer and was excluded and deported on grounds that he was an immigrant not in possession of a valid immigration visa; and that, he was an alien who had been convicted of a crime involving moral turpitude.

On January 27, 1950, at Riveria du Loup, Province of Quebec, Canada, Mr. Lavoie was convicted for the crime of breaking and entering a store in the nighttime and theft. He was sentenced to serve 2 years in the penitentiary at St. Vincent de Paul, Province of Quebec, Canada.

The beneficiary's wife lived in the United States from birth until shortly after the alien's exclusion from this country on March 30, 1953. She and their children then took up residence in Canada in order to be with and to be supported by Mr. Lavoie. Mrs. Lavoie desires to return to the United States and hopes that her husband may soon be permitted to enter this country for residence. Prior to marriage she worked in a restaurant in Danforth, Maine, but at present is not employed. Her father is deceased; her mother, brother, and sister reside in Maine. She has no assets.

Senator Margaret Chase Smith, the author of the bill, has submitted the following affidavit in connection with the case:

IN THE MATTER OF THE APPLICATION OF GEORGE ROLAND LAVOIE, OF HARVEY STATION, IN THE COUNTY OF YORK AND PROVINCE OF NEW BRUNSWICK, WOODSWORKER, FOR ENTRANCE INTO THE UNITED STATES OF AMERICA

PROVINCE OF NEW BRUNSWICK,
County of York, ss:

I, George Roland Lavoie, of Harvey Station, in the county of York and Province of New Brunswick, woodsworker, make oath and say:

1. That on January 27, 1950, at Riviere du Loup, Province of Quebec, I was convicted of breaking, entering, and theft, and sentenced by His Honor Judge Michaud to 2 years' imprisonment in the penitentiary at St. Vincent de Paul, Quebec. Accompanied by one Fabien Dugas I had entered a small store or canteen at Cabano, Quebec, by raising a window, and I took therefrom eight packages of cigarettes only. This was not a dwelling house and entry was made in the nighttime. I have no other criminal record. I was 19 years of age when this offense was committed. I did not serve my whole sentence of 2 years but was released on ticket of leave (parole) bearing date the 3d day of July 1951.

In January 1952 I entered the United States of America as an employee of the St. Regis Co., of Bucksport Maine, the said company supplying the bond necessary for such entry. I was employed by this company as a woodworker until March 1953, when I was laid off due to lack of work. I then secured a 30-day visiting permit from the United States immigration authorities. During this time I was living with my wife at Danforth, Maine. On or about March 30, 1953, I was visited by officers of the United States Immigration Service and at their request voluntarily departed from the United States of America to Canada via Vanceboro, Maine.

3. On the day that I was visited by the United States immigration officers and requested to leave the United States of America I was attending the funeral of my father-in-law, Mancel Gillis, of Danforth, Maine.

4. My late father-in-law, Mancel Gillis, had been a lumber-mill operator in Danforth, Maine, and was so employed at the time of his death in March 1953. Upon the death of my father-in-law, Mancel Gillis, my wife, together with her brothers, became an owner of the lumber mill mentioned above.

5. Since on or about March 30, 1953, the date of my voluntary departure from the United States of America, I have endeavored to secure a visa for residence in the said United States of America but have been refused one because of my former criminal record.

6. I therefore request ,that in view of the trifling nature of the offense mentioned above, I be granted a visa for entry into the United States of America.

GEORGE ROLAND LAVOIE.

Sworn to at the city of Fredericton, in the county of York and Provice of New Brunswick, Canada, this 17th day of January A. D. 1955, before me, Charles F. Tweeddale, a notary public in and for the Province of New Brunswick, duly appointed, commissioned and sworn, residing and practicing at the city of Fredericton, in the county of York and Province of New Brunswick.

In testimony whereof, I, have hereunto set my hand and affixed my notarial seal the day and year above written at the city of Fredericton aforesaid.

[SEAL] CHARLES F. TWEEDDALE,
Notary Public in and for the Province of New Brunswick.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 753), as amended, should be enacted.

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Calendar No. 991

84TH CONGRESS, 1st Session | SENATE | REPORT No. 984

GERDA GRAUPNER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 843]

The Committee on the Judiciary, to which was referred the bill (S. 843) for the relief of Gerda Graupner, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Gerda Graupner, the fiancee of Sergeant Haden Wilson Pierce, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Gerda Graupner is coming to the United States with a bona fide intention of being married to the said Sergeant Haden Wilson Pierce and that she is found otherwise admissible under the provisions of the Immigration and Nationality Act other than the provision of section 212 (a) (9) of that Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act. In the event that the marriage between the above-named persons does not occur within three months after the entry of the said Gerda Graupner, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Gerda Graupner, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Gerda Graupner as of the date of the payment by her of the required visa fee.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the fiance of a United States citizen member of our Armed Forces. The bill also enables the fiance to enter the United States in order that she may marry her citizen fiance and thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Germany who is presently living in Germany. She is engaged to a United States citizen member of our Armed Forces who is stationed at Travis Air Force Base, California. She was unable to obtain a visa because she was convicted of theft on three occasions from 1941 to 1943 in Germany. The offenses involved the taking of a coat from her place of employment believing it to have been abandoned, the theft and falsification of ration cards, and another minor theft. Without the waiver provided for in the bill, she will be unable to enter the United States for the purpose of marrying her United States citizen fiance.

A letter, with attached memorandum, dated April 26, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 1488 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

APRIL 26, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1488) for the relief of Gerda Graupner, there is attached a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude. It should be noted that the proposed exemption is not limited to a specific crime or crimes of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERDA GRAUPNER, BENEFICIARY OF S. 1488

Information concerning the beneficiary of the bill was furnished by her fiance, S. Sgt. Haden Wilson Pierce, United States Air Force, Travis Air Force Base, California.

Gerda Graupner was born in Germany on January 10, 1923, and is a citizen of that country. She completed schooling equivalent to high school and presently resides at Aufkirchnerweg 73½, Erding, Germany, American Zone. She is employed in a restaurant.

Sergeant Pierce was born in Pulaski, Tenn., on August 27, 1916, and has been in the United States armed service since November 1, 1936. He met Miss Graupner in Germany in 1949. He earns $183 per month, and states that he has savings amounting to about $3,500.

It appears that Miss Graupner's application for an immigrant visa was denied by the American Consul General at Munich in 1952 on the ground that she had been convicted of theft on 3 occasions from 1941 to 1943. According to Sergeant

Pierce, one offense involved the taking of a coat from her place of employment believing it to have been abandoned. The second conviction was for the theft and falsification of ration cards for which Miss Graupner was sentenced to serve 5 months imprisonment. Sergeant Pierce was unable to furnish information concerning the other conviction of theft for which she was sentenced to serve 3 weeks imprisonment.

Since the beneficiary is not in the United States, the committee may desire to obtain further information from the Department of State.

A letter dated May 17, 1954, to the then chairman of the Senate Committee on the Judiciary from the Director, Visa Office, Department of State, reads as follows:

MAY 17, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR LANGER: Reference is made to your letter of May 11, 1954, wherein you request a report of the facts in the case of Miss Gerda Graupner, beneficiary of S. 1488, 83d Congress, 2d session.

The Department has on file a communication from the American Consulate General at Munich, which reports that on April 3, 1941, Miss Graupner was convicted by the district court at Leipzig of theft in violation of paragraph 242 of the German Criminal Code and fined 25 reichsmark or 7 days of imprisonment. On December 7, 1942 she was convicted by the district court at Leipzig of theft and falsification of ration cards in violation of sections 242, 267, and 268 of the German Criminal Code and sentenced to imprisonment for 5 months. On January 1, 1943, she was convicted by the district court at Leipzig of theft in violation of paragraph 242 of the German Criminal Code, and sentenced to imprisonment for 3 weeks in addition to the 5 months mentioned above.

The crime of theft has been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, as amended, and is also considered to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which repealed the act of February 5, 1917, and certain other immigration laws. The latter provision of law renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to withhold the issuance of an immigrant visa to Miss Graupner.

At this time the Department has no knowledge of any factor in Miss Graupner's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Graupner from receiving a visa.

Sincerely yours,

EDWARD S. MANEY
Director, Visa Office
(For the Secretary of State).

Senator Estes Kefauver, the author of the bill, has submitted the following information in connection with the case:

FEAMCOM AIRBASE,
APO 323, January 6, 1955.

1. Request reconsideration of marriage application between S. Sgt. Haden W. Pierce, AF6395353, assigned at APO 323, San Francisco, Calif., and Gerda Graupner, residing in Germany.

2. Prior disapproval was made because of minor crimes involving moral turpitude, which conflicted with the existing immigration act. The present immigration act is more lenient, leading me to believe, that I may finally be united with the one of my choice, as a lifetime partner. Absence from her presence has only strengthened my desire to be with her, and to give her advantages in my home, that she has deserved, but has not been able to attain previously.

3. As was called to my mother's attention in an earlier letter from the State Department, I understand that there were 3 of these minor crimes involving a total fine of 25 reichmarks and 3 sentences of 1 week, 3 weeks and 5 months. The fine was an alternative with the 1 week sentence. The fine did not exceed the limit as prescribed and the total time did not exceed 6 months as prescribed.

4. I believe that due consideration will enable you to assist me in a favorable solution to my problem, further allowing, peace of mind and better execution of my duties, an overall gain to the armed services.

HADEN W. PIERCE, AF6395353,
Staff Sergeant, 6400th Warehouse Squadron.

PULASKI, TENN., *January 2, 1953.*

DEAR SIR: I am writing you in regard to information I received from the American consulate in Munich, Germany. I am a native of Pulaski, Tenn. and have been engaged to a German girl since 1949. After I was granted permission to marry her and her background was investigated she was found to have been convicted without benefit of a lawyer. She was refused a visa into the United States, under section 3 of the Immigration Act of 1917, moral turpitude. In 1940 she was found to have in her possession an unauthorized ration card. In addition to this she was accused by one of her fellowworkers of having stolen 20 marks. Actually, the girl asked my fiance to pick up the paycheck for her and she had not had the opportunity to give her the money, then she was caught wearing a coat that had been hanging in the factory where she worked for days, but she did not leave the building with the coat. It is my belief that the people who broke out of Czechoslovakia on the train were not investigated; also, the people on the plane that was forced down at Erding Air Depot were not investigated. I realize the State Department done this for propaganda reasons. It was not long until they were working in a factory in Detroit, Mich., and the girl I love and want to marry and live with the rest of my life and was only a kid when this happened. She was born January 10, 1923; cannot come to America.

I do not understand. I love this girl so much. I only want to bring her to America as my wife. I have known her long enough to know that she would make a good wife as well as a good American citizen. I left Europe last March. I know some Senators and Congressmen have gotten bills for girls that have done more than she did. She was only a kid and a war going on; maybe hungry and cold. If you would grant me this favor I would greatly appreciate it, as our future happiness depends on it. I love the girl very much and want nothing more than to bring her to America as my wife. I have known her long enough to know that she would make a good wife as well as a good American citizen. Please help me, sir. I love her so much and it is so bad the way it is now. Me here and her so for away. The CID and OSI investigated her before, she was not a Communist and did not go to a Nazi school.

I have been in the service for over 16 years and have just reenlisted. I have never been court-martialed and have never been married. Please help me. I love her so much. You can make us so happy. I have written Senator Albert Gore and Congressman Joe L. Evins. I am on leave at the present time. Please help us. We love each other so much. You can make us so happy. Any further information may be had from: Visa Section, American Consulate at No. 28 Ludwig Street, Munich, Germany. Please help us. You can make us so happy. Thank you very much. Please let me know if you received this letter.

Sincerely,

S/Sgt. HODIN W. PIERCE, AF6395353.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 843), as amended, should be enacted.

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Calendar No. 992

84TH CONGRESS, 1st Session } SENATE { REPORT No. 985

GABOR LANYI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 884]

The Committee on the Judiciary, to which was referred the bill (S. 884) for the relief of Gabor Lanyi, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 10, change the period to a colon and add the following:

Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who is mentally defective in behalf of the child of lawful resident aliens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is an 8-year-old native of Hungary who now resides in Salzburg, Austria, with his mother who was previously lawfully admitted for permanent residence in the United States. The beneficiary is afflicted with a glandular disturbance which has resulted in a Mongoloid condition. His father, a 44-year-old native of Hungary, entered the United States October 9, 1951, at New York as a displaced person from Austria, having fled with his wife and child from Communist Hungary. He divorced his wife prior to coming to the United States because she would not agree to leave the child who

was excludable. However, she entered the United States as a displaced person March 29, 1952, and remarried her former husband and returned to Salzburg, Austria, in 1953 to care for the child when his nurse became ill. Without the waiver provided for in the bill, the child will be unable to enter the United States for the purpose of reuniting a displaced family.

A letter, with attached memorandum, dated May 3, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 3, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 884) for the relief of Gabor Lanyi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of this file.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States, aliens who are feebleminded or mentally defective, and would grant the alien permanent residence if he is found to be otherwise admissible.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE GABOR LANYI, BENEFICIARY OF S. 884

Information concerning the case was obtained from Mr. Erwin Lanyi, the 8-year-old beneficiary's father and party interested in this case, who resides at 311 Grove Street, Woodbridge, N. J.

The beneficiary, Gabor Lanyi, was born on February 17 or 18, 1947, at Budapest, Hungary. He has never been to the United States. He resides at the present time at Salzburg, Austria, with his mother Ilona Lanyi, who had been legally admitted to the United States for permanent residence. According to Mr. Lanyi, the child was born a Mongoloid. Mr. Lanyi displayed an affidavit from Dr. George Fredericks, Woodbridge, N. J., which stated he would treat the child's mental condition and advise the parents without charge for his professional advice and treatment. Mr. Lanyi stated that his son attended kindergarten in Salzburg, Austria, in 1952–53.

Erwin Lanyi, interested party in the case, was born on October 30, 1907, in Budapest, Hungary, and was admitted to the United States on October 9, 1951 at New York, N. Y., as a displaced person. He divorced his wife in Europe because of her reluctance to leave the child in Austria while they came to the United States. However, she did come to the United States and Mr. and Mrs. Lanyi were remarried on March 29, 1952. Mrs. Lanyi returned to Europe in 1953 to care for the beneficiary when the nurse who had been in charge of him became ill. She is still there. At the present time interested party is employed with Lincoln-Mercury, Metuchen, N. J., earning $1.69 per hour. He has other assets totaling approximately $1,000. In addition, he owns property in Budapest, Hungary, which he valued at $61,000. Mr. Lanyi had his own seed exporting and importing business in Europe.

Senator H. Alexander Smith, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES
W. HOWARD FULLERTON

FORDS, N. J., *September 17, 1952.*

REPUBLICAN NATIONAL COMMITTEE,
Washington, D. C.
(Attention Albert B. Hermann.)

MY DEAR AB: Please be advised that I represent Mr. and Mrs. Ervin Lanyi who reside at 685 Amboy Avenue, Fords, N. J. They entered the United States as displaced persons of Hungarian origin on November 17, 1951, from Salzburg, Austria. Both were born in Budapest, Hungary, and both have applied for United States citizenship.

At the time of their entry into the United States, they were forced to leave behind in Austria a 5-year-old son whose name is Gabor Lanyi. The child has a glandular pathology which resulted in Mongolism. He is presently under the care of Roman Catholic nuns at Caritasanstalt St. Anton, Bruck A. D. Gossglocknerstrasse, Austria.

Mr. and Mrs. Lanyi are both gainfully employed—Mr. Lanyi at the O. K. Products Co., Brookhill Avenue, Highland Park, N. J., as a clerk. His take-home pay is about $62 per week. Mrs. Lanyi is employed at the Donright dress factory, New Brunswick Avenue, Perth Amboy, N. J. Her take-home pay is about $35 per week.

Dr. George F. Frederick, of 179 Main Street, Woodbridge, N. J., has agreed in writing to undertake, without fee, the rehabilitation of the aforesaid Gabor Lanyi.

In view of the fact that the parents of the child are gainfully employed and that Dr. Frederick has agreed to assist medically, without fee, I do not think there is any chance that the child will become a public charge. I am sure you can understand the feelings of the parents in wanting to have with them their only child.

Will you, therefore, kindly discuss this matter with United States Senator Alexander Smith with the idea in mind of obtaining as soon as possible a special visa permitting the entry of the child into this country?

In the event that you deem same advisable, I will be glad to submit to you financial statements of the parents and statements from Dr. Frederick and other leading citizens of our community who are interested in assisting Mr. and Mrs. Lanyi to attempt to reunite their family.

Very truly yours,

W. HOWARD FULLERTON.

SALZBURG, *April 4, 1954.*

Mr. ALEXANDER SMITH,
United States Senator.

DEAR SIR: I beg your pardon for disturbing you and for taking up your precious time with my request. I am very grateful to you for your great kindness of having helped me in obtaining the permission for my little child in November 1952 to enter the United States for medical treatment. As you perhaps remember, the child, by want of sympathy and understanding then failed getting the visa. Last year, about Easter, we were told by the Department of Justice that the matter was not closed yet, and that they would carry on further investigations. Two months later, we obtained a letter from the management of the institute in Salzburg, where my little son was staying, informing us that the child had been infected by tuberculosis. It was then nearly 2 years that I had not seen my child. My nerves were nearly exhausted by the anxieties and worries for it. Against my husband's advice, I flew to Europe and found my child in awful conditions but healthy. I had 2 thorough medical examinations made in 2 different hospitals; both were quite negative.

This fatal error seemed to be God's will. He wanted to let me see in which terrible conditions my child was living. I took the child out of the institute, it lived with me until October, and I was happy seeing the remarkable mental development the child had made during this time. But this was only a solution for the summer. I am unable to afford a room, which could be heated and where a child was tolerated as all. I was compelled to take the child back to the institute where at least his bed and daily warm food were secured. I am myself living in a moist room which is so cold that I cannot even sleep there. I am not allowed to accept work for I am a foreigner in this country, my permission for staying here expires in the next future. My husband is trying to help us as far as he is able to do it, nevertheless my struggle for life surpasses my strength.

My husband means for me more than a husband, my child more than a child, for we had been companions in danger of life, in troubles and privations. I have

been separated from my husband since 10 months. I cannot part with my child. Only who has a sick child as myself can understand my state of mind. My reentry permit expires in August, it cannot be prolonged any more. Then no other solution remains as to close the whole sad affair. I cannot undertake more suffering, more misery.

My husband does not venture to ask for a special bill for our little son because he does not dispose of a bank guaranty. I had spent my savings for the journey, only the amount for returning to the States is insured.

Dear sir, my new country, my new home, my husband are in the United States. I have twice sworn to my new country; I love and esteem it so greatly. I have my first paper and I profess myself as an American. I beg you help us in getting a special bill for my little son. God will bless you for it. It is my only hope and only possibility to return to the States with my child. We cannot give any guaranty, but we can give our word of honor and our energy that the child will not be a burden to the States. I beg you to advance your confidence. In Budapest, my husband and I had a solid existence and a respected name. In the States too, we stood the test and have many good friends. There I could continue my work where I had interrupted it. During the time, when I shall be busy, two Hungarian families will take care of the child.

I beg you to help me by asking for a special bill for the sake of my child. Europe and all her peoples living under tyranny—amongst them my own family which suffers in Hungary—trust on you, the legislators of the United States and benefactors of the world. They all believe in your good will and in your power to bring us liberation. Think on your own mothers and children and you will find love and sympathy for a little sick boy and give him a little place in your blessed country. Give a chance to a refugee family which suffered so much from the injustice of war and which wants to be together again and to live in peace and freedom in the new world.

Whatever your decision may be, God's blessings may accompany your work. God save the United States of America.

Yours very respectfully,

ILONA LANYI.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Salzburg, Austria, May 4, 1954.

MRS. ILONA LANYI,
Salzburg, Gneisfeld, Guttenbrunnstr. 15.

MY DEAR MRS. LANYI: I refer to your visit on May 4, 1954, and to Senator Smith's letter of April 27, 1954, which you showed to me, in connection with the immigration application of your son, Gabor Lanyi.

After a thorough review of our files on your son's case, I regret to inform you that there is absolutely no possibility for your son to immigrate into the United States under the existing immigration laws and regulations. As you undoubtedly recall, the invocation of the ninth proviso to section 3 of the Immigration Act of February 5, 1917 on behalf of your son, Gabor, served only to set aside the medical grounds of excludability to permit temporary admission into the United States. You were, at that time, unable to overcome the presumption that the admission of your son would not be temporary, since there was no compelling reason for his return to Austria. The status of his case continues to remain unchanged. Therefore, as you yourself said during our interview, there appears to be no administrative recourse for your son's immigration except a congressional private bill introduced for the purpose of providing for the entrance of your son into the United States. This, of course, is a matter in which the consulate has no control or influence.

It is tragic that this situation of enforced separation must continue because of legal restrictions, but I wish to express my personal admiration for your extreme devotion to your son in his unfortunate affliction.

Please let me assure you again that the consulate has given your son's application for immigration every consideration possible under the existing immigration laws.

Sincerely yours,

F. E. MAESTRONE, *American Consul.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 884) as amended, should be enacted.

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84TH CONGRESS, 1st Session — SENATE — Calendar No. 993 — REPORT No. 986

LINO PEREZ MARTINEZ

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 910]

The Committee on the Judiciary, to which was referred the bill (S. 910) for the relief of Lino Perez Martinez, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of the Immigration and Nationality Act, Lino Perez Martinez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Lino Perez Martinez. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Spain who last entered the United States on October 25, 1954, at New York when he was admitted as a visitor for pleasure. He is

presently attending the University of New Mexico and resides with his mother, stepfather, and stepbrother in Albuquerque. His mother and stepbrother are naturalized citizens of the United States and his stepfather is a native-born citizen of the United States.

A letter, with attached memorandum, dated June 16, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 910) for the relief of Lino Perez Martinez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Albuquerque, N. Mex., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States as of the date of his last entry into the United States, upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Spain.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING LINO PEREZ-MARTINEZ, BENEFICIARY OF S. 910

Lino Perez-Martinez was born January 14, 1928 at Madrid, Spain, and is a citizen of that country. He is single, and now resides at 301 Bryn Mawr Drive SE, Albuquerque, N. Mex. with his mother and his stepbrother, both of whom are natives of Spain and naturalized citizens of the United States. He is enrolled in the college of engineering, University of New Mexico, and is not employed. Before coming to the United States, he studied business subjects at a school in Corona, Spain. Apart from his mother and stepbrother, he has no close relatives other than his father who resides in Spain.

The beneficiary last entered the United States on October 25, 1954, at New York, N. Y., and was admitted as a temporary visitor for pleasure until April 25, 1955. Since he failed to depart from the United States within the period of his admission, a warrant of arrest in deportation proceedings has been issued and he appears to be amenable to deportation for failure to comply with the conditions of his temporary admission.

Senator Dennis Chavez, the sponsor of the bill, submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
July 1, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.
(Attention Mr. Blair, Immigration Subcommittee.)

DEAR SENATOR KILGORE: This letter is written in reference to my bill, S. 910, for the relief of Lino Perez Martinez, now pending before your committee.

Mr. Martinez is presently in Albuquerque, N. Mex., having entered the United States on a visitor's visa. His mother, also a Spanish national, married an American citizen, Francisco F. Garcia, a prominent businessman of Albuquerque. At the present time Mr. Martinez is attending the University of New Mexico. His

mother and stepfather are most anxious to have him remain here, inasmuch as he has no relatives now in Spain and his home should be with his mother and stepfather.

I am sure he would make a good citizen and I hope your committee can see fit to take action on the bill at this session.

Sincerely yours,

DENNIS CHAVEZ,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 910), as amended, should be enacted.

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Calendar No. 995

84TH CONGRESS, 1st Session | SENATE | REPORT No. 988

JUAN JOSE MOYA RAMIREZ

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1012]

The Committee on the Judiciary, to which was referred the bill (S. 1012) for the relief of Juan Jose Moya Ramirez, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Juan Jose Moya Ramirez. From and after the date of enactment of this act, the said Juan Jose Moya Ramirez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of Juan Jose Moya Ramirez and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based. The bill has been amended to provide for the cancellation of the outstanding deportation proceedings rather than to grant the beneficiary permanent residence, since he was previously lawfully admitted for permanent residence.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native and citizen of Chile who was admitted to the United States as a permanent resident on December 12, 1947. He is married to a United States citizen and resides in Farmington, N. Mex. He has no children. He was found to have been excludable at the time of his last entry because while previously in the United States he executed an application for relief from military service and hence became ineligible to citizenship and subject to exclusion for permanent residence. He studied engineering at various colleges in the United States and is self-employed as a geologist.

A letter, with attached memorandum, dated May 23, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1012) for the relief of Juan Jose Moya Ramirez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Albuquerque, N. Mex., office of this Service which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

Although excludable under section 212 (a) (22) of the Immigration and Nationality Act as an alien ineligible to citizenship, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa as the husband of a United States citizen. Also it should be noted that he is a nonquota immigrant by birth and that he was admitted to the United States as such on December 12, 1947, at which time he paid the required visa fee. It is accordingly suggested that the committee may wish to amend the bill by deleting the portion which makes reference to those requirements.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING JUAN JOSE MOYA-RAMIREZ, BENEFICIARY OF S 1012

Juan Jose Moya-Ramirez was born June 24, 1917, at Chuquicamata, Chile, and is a citizen of Chile. He is married to a citizen of the United States. They reside in Farmington, N. Mex. and have no children.

The beneficiary is self-employed. He works as a geological scout. He is a geologist and has studied engineering at various colleges in the United States. He earns from $700 to $800 per month. He owns property in Farmington valued at $25,000. His parents reside in Chile.

He was admitted to the United States for permanent residence on December 12, 1947. On October 29, 1951 a warrant of arrest in deportation proceedings was issued, charging that he is an alien ineligible to citizenship and was not entitled to enter the United States under any exception of law. On April 26, 1943, while previously in the United States, he executed DSS Form 301, Application by Alien for Relief from Military Service. On April 16, 1952, it was ordered that he be deported on the charge stated in the warrant of arrest. Appeals to the Commissioner of Immigration and Naturalization and to the Board of Immigration Appeals were dismissed. A warrant of deportation was issued February 25, 1953, and is now outstanding.

Senator Dennis Chavez, the author of the bill, has submitted the following information in connection with the case:

Juan Jose Moya Ramirez, native of Chile, lives at 507 North Behrend, Farmington, N. Mex.

Occupation: Geologist and petroleum engineer; employed by Delhi Oil Co.

He first came to the United States in 1940 under a nonimmigrant passport, as a student. Although a graduate engineer, he came to the United States to further his study.

Attended the Colorado School of Mines, in Golden, for 1 year, then went to the University of Michigan, at Houghton. In 1944 he attended the University of Minnesota, where he graduated in 1945 (postgraduate work). He did further postgraduate work at the University of Texas. From Texas he went to California where he did geological and seismograph work for the United Geophysics Co.

About March 29, 1946, he returned to Chile. He was here under the auspices of the Chilean Government. His student passport was for an indefinite period. The idea was that he should return to work for the Chilean Government or in Chile, which he did for 12 months.

He returned to the United States in 1947 on a nonquota permanent residence, which is the passport he now holds.

He is charged with illegal entry and warrant of deportation issued. The hearing is set for March 10 at 2 p. m., in Albuquerque.

The specific charges are—

1. He is an alien.
2. When he entered the United States at Houston, Tex., on December 12, 1947, he was ineligible for citizenship and not entitled to enter under any exemption of paragraph (c) section 13 of the Immigration Act of May 26, 1924 (8 U. S. C. 213 C 214).

The circumstances of ineligibility evidently are that when he registered for the draft he claimed his right as an alien not to serve in the Armed Forces.

Subject makes this explanation in this regard:

When war was declared he registered at Houghton County Draft Board, Houghton, Mich. He asked if he could join the Army. They said he was a student, in student quota and could not, as he was not a resident. He insisted he wanted to enlist or be drafted and they said they would reconsider and reclassify him as I–A. His previous classification was IV–C.

He passed his physical at Plaindale, Mich.

After this they sent him notice to present himself at Houghton for shipment to the Great Lakes training center. He did present himself and was told he was not an American citizen and could not go. Then he was told to sign a paper which he found out later was an exemption as a Chilean citizen.

He has no relatives in the United States.

He is married to an American citizen, Helen Hein, whom he married in Minneapolis, Minn.

The Delhi Co. wants him to do work for them in Peru and in Chile. He desires to go to Peru and Chile but wishes to return to the United States to make his home here.

He has done work in Boliva and Brazil.

His telephone number of Farmington 467 or 322 W.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1012), as amended, should be enacted.

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Calendar No. 996

84TH CONGRESS, 1st Session | SENATE | REPORT No. 989

RAMON NOTARIO BOYTELL

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1082]

The Committee on the Judiciary, to which was referred the bill (S. 1082) for the relief of Ramon Notario Boytell, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 3, change "paragraph" to "paragraphs" and insert thereafter "(17) and".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who has been previously deported and to one who has obtained a visa by fraud in behalf of the husband of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Cuba who first entered the United States on November 28, 1950. He was permitted to depart voluntarily in June 1951. Five months later he reentered the United States at Miami, Fla., with a visa issued in his brother's name because he feared his previous departure from the United States would prevent his reentry. On July 14, 1952, the beneficiary was married to a United States citizen and on August 5, 1952, he was deported to Cuba where he now resides with his wife. Without the waivers provided for in the bill, the beneficiary will be unable to return to the United States with his United States citizen spouse.

A letter, with attached memorandum, dated June 7, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary, United States Senate,
Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1082) for the relief of Ramon Notario Boytell, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service which has custody of those files.

The bill would authorize the beneficiary's admission to the United States for permanent residence notwithstanding the excluding provisions of section 212 (a) (19) of the Immigration and Nationality Act as they relate to his procurement of a visa through fraud. It is noted that the bill, as drawn, does not exempt the beneficiary from the excluding provisions of section 212 (a) (17) of the act which relate to aliens previously deported from the United States and who have not obtained the consent of the Attorney General to reapply for admission.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RAMON NOTARIO BOYTELL, BENEFICIARY OF S. 1082

The beneficiary was born on August 20, 1928, in Cardenas, Cuba. He first entered the United States as a temporary visitor on November 28, 1950. Although he was admitted at that time for a period of 3 months he remained for a period of 8 months. He was permitted to depart from the United States voluntarily in June 1951.

The beneficiary reentered the United States at Miami, Fla., on November 17, 1951. He was admitted at that time as a visitor in possession of a Cuban passport and a nonimmigrant visa which he had procured in the name of his brother, Francisco Eduardo Notario Boytell. He stated that he used his brother's name because of his feeling that he would not be granted admission to the United States in view of the manner of his departure in June 1951. Although the beneficiary failed to register under the Selective Service Act of 1948, the United States district attorney declined to prosecute in view of the beneficiary's amenability to deportation. The beneficiary was deported to Cuba on August 5, 1952.

The beneficiary was married to Rose Marie Nocera, a United States citizen, at Miami, Fla., on July 14, 1952. She was born in Middletown, Conn., on October 4, 1927. The beneficiary resides with his wife in Habana, Cuba. He has been employed as a waiter and has served as an assistant manager of restaurants. He is now unemployed as is his wife. His wife was previously employed as a waitress and cashier in restaurants in Miami. The records of the Miami, Fla., police reflect that she was arrested on a charge of vagrancy on May 6, 1951, and that she was released the same day. The beneficiary completed the equivalent of 2 years of high school. His wife attended school through the eighth grade in the United States. The beneficiary owns no property and has no assets.

Senator George A. Smathers, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

WALTERS, MOORE & COSTANZO
ATTORNEYS AT LAW

MIAMI 32, FLA., *January 26, 1955.*

Re Ramon Notario Boytell
Hon. GEORGE A. SMATHERS,
Senate Office Building, Washington, D. C.

DEAR SENATOR SMATHERS: Reference is made to your letter concerning the above named, dated December 14, 1954. You will note that at that time you pursued an application before the State Department for an interpretation of

section 212 (a) (19) of the Immigration and Nationality Act concerning a Mr. Gonzalez and Mr. Boytell. The decision of the Attorney General was favorable to Mr. Gonzalez; however, it was held that Mr. Boytell's particular problem placed him in a category under that section that gave him no relief because of the particular facts in his case. This man is married to an American citizen who is the principal sufferer; and it is based upon her interest in this case, and how it is affecting her, that I take this liberty of presenting the matter to you, with the prospect of a private bill being introduced in his behalf.

The immigration records will reveal that he is excludable under this section because he at one time used his brother's passport to gain entry into the United States, because he was fearful that he would not be permitted to enter inasmuch as he had been given voluntary departure on a prior date, to wit, September 20, 1951. His last entry into the United States was at Miami, Fla., on November 17, 1951. This, of course, was recognized readily as not being to his credit. However, it is my understanding from the immigration records that he has absolutely no criminal record, and that he surrendered himself to the Immigration Service to adjust his immigration status. Thereafter, on October 5, 1954, the Immigration and Naturalization Service granted him permission to reapply for admission into the United States after his deportation. At the United States consul in Habana, Cuba, he ran afoul of section 212 (a) (19), as indicated, when applying for his admission as a permanent resident.

Mrs. Boytell has been under a strain because of this and has been under constant medical attention. It is my understanding that she has written you directly. After my recent conversation with Mr. O'Keefe, I indicated to them that I would write this letter concerning the case. From what I know of the case, it appears most deserving of favorable consideration.

It is not my wish to burden you with these matters, and I present this only because of the fact that I do believe the case deserving and because Mrs. Boytell made the initial inquiry to you.

Thank you for your most kind attention to this matter and all other matters.

Sincerely yours,

DAVID W. WALTERS.

MIAMI, FLA., *February 24, 1955.*

Care of SENATOR SMATHERS.

To Whom It May Concern:

My husband and myself are both very fond of Rose N. Boytell, and in the 3 years that she has been a tenant in our home, we have found her to be a person of the highest character, and above all good morals and very trustworthy. We feel that she is just like a member of our own family.

We are also very familiar with Mrs. Boytell's situation, and know what a strain she is under, and what a long drawnout process it has been trying to get Mr. Boytell back into this country. Due to all these troubles has brought about ill health for Mrs. Boytell. She is a sick and very nervous girl, and has been under the doctor's care for quite some time. We also know that Mr. Boytell is without work in Cuba and with conditions as they are at the present time he is unable to support her.

In the time that we have known Mr. Boytell, we also find him to be a person of good character, very ambitious young man. We are in sincere hope that this letter will help the Boytells for they are a fine young couple.

With kind regards, I am

Sincerely,

BERTHA GEARS CEROJ AND FAMILY.

AFFIDAVIT

STATE OF FLORIDA,

County of Dade:

Personally appeared before me, David D. Phillips, who upon being duly sworn according to law, did depose and say as follows:

1. Affiant is an attorney practicing law in Dade County, Fla., with offices at 615 Biscayne Building, Miami, Fla., and is personally acquainted with Mrs. Ramon N. Boytell.

She is of good moral character. Mrs. Ramon N. Boytell is forced to support herself by reason of the fact that her husband is unemployed at present in Cuba. Actually her health is bad and she has not worked since December 1954.

The only solution I can see is for her husband to be here in the United States with her and such mercy as the Congress of the United States, the State Department, or the Immigration and Naturalization Service can extend will be justified.

DAVID D. PHILLIPS.

Sworn to and subscribed before me this 23d day of February 1955.

[SEAL] JEANE A. SAINTHILL,
Notary Public, State of Florida at Large.

My commission expires February 7, 1958.

MIAMI, FLA., *February 23, 1955.*

To Whom It May Concern:

This is to certify that Mrs. Rose Boytell has been under my professional care since March 7, 1951, suffering from colitis, allergy, and secondary anemia. This condition is aggravated by the emotional strain that she is under. I understand that her husband is not permitted to enter the United States and that she is working to support herself during his absence. In my opinion, if the emotional stress were removed, she could accomplish a substantial physical recovery.

S. E. CHAMBERS, M. D.

STATE OF FLORIDA,
County of Dade, ss:

Sworn to and subscribed before me this 23d day of February, A. D. 1955.

[SEAL] DOROTHY M. WEILBACHER,
Notary Public.

My commission expires June 15, 1957.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1082), as amended, should be enacted.

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Calendar No. 997

84TH CONGRESS, 1st Session } SENATE { REPORT No. 990

DR. LINCOLN ROY MANSON-HING

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1212]

The Committee on the Judiciary, to which was referred the bill (S. 1212) for the relief of Dr. Lincoln Roy Manson-Hing, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, section 202 (b) shall be held not to apply to the case of Doctor Lincoln Roy Manson-Hing, who was born in British Guiana.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to exempt Dr. Lincoln Roy Manson-Hing who was born in British Guiana of Chinese ancestry, from the provisions of section 202 (b) of the Immigration and Nationality Act.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native of British Guiana and a person of the Chinese race. He studied dentistry at Tufts College Dental School, Boston, Mass., and has practiced dentistry in British Guiana and Jamaica. He presently resides with his wife and child in Kingston, Jamaica. He has been offered a position with the faculty of the dental school, University of Alabama, Birmingham, Ala., where his services are needed because of the difficulty of finding qualified persons who are willing to accept such appointments.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1212) for the relief of Dr. Lincoln Roy Manson-Hing, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga. office of this Service which has custody of those files.

The bill would provide that the beneficiary be held to be attributable to the British subquota for British Guiana, in which quota area he was born, rather than the quota for Chinese persons to which the beneficiary would otherwise be chargeable pursuant to the provisions of sections 201 (a) and 202 (b) (4) of the Immigration and Nationality Act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. LINCOLN ROY MANSON-HING, BENEFICIARY OF S. 1212

The beneficiary resides abroad. Dr. Joseph Francis Volker, Birmingham, Ala., who is an interested party of the bill, has furnished the following information.

Dr. Lincoln Roy Manson-Hing was born in Georgetown, British Guiana on May 20, 1927. He resides at 5½ East Parade, Kingston, Jamaica, B. W. I., with wife, Joyce Louise Chin, and son Collin James Mason-Hing. He is engaged in private practice as a dentist and is also employed part-time as the dentist in charge of the School Dental Clinic at St. Mary Parish, Kingston, Jamaica, B. W. I.

Dr. Manson-Hing entered the United States as a student. He enrolled in the Tufts College Dental School at Boston, Mass., in 1944, and graduated therefrom in March 1948. Dr. Manson-Hing returned to British Guiana where he practiced dentistry at the Canadian Bauxite Co. Hospital in McKenzie City, British Guiana until September 1948, and then traveled to Kingston, Jamaica, B. W. I. Dr. Manson-Hing's parents, now deceased, were of the Chinese race, born in British Guiana.

Dr. Volker, a citizen of the United States by birth, was the dean of Tufts College Dental School in Boston, Mass., during the time that the beneficiary was a student at that college. He is presently dean of the dental school, University of Alabama, Birmingham, Ala. Because of the lack of dentists in the United States who are qualified for faculty appointments and research, Dr. Volker is of the opinion that the experience the beneficiary has acquired in private practice and public-health dentistry would be of value to his school.

Senator Lister Hill, the author of the bill, together with Senator John Sparkman, has submitted a number of letters and documents in connection with the case, among which are the following:

To Whom It May Concern:

I the undersigned, Lincoln Roy Manson-Hing, was born on the 20th of May 1927, at Georgetown, British Guiana. My parents (now deceased) were Rupert Manson-Hing, a British Guiana-born Chinese who was employed as a surveyor to the Government Public Works Department from about 1920 until his death in 1943, and Mary Agatha Manson-Hing, nee Too-Chung, also a British Guiana-born Chinese.

I have two brothers and no sisters. They are Jerome Justin Manson-Hing, D. D. S. (Northwestern Dental School, Chicago, Ill., 1941) who practices in Georgetown, British Guiana; and Winston Kelvin Manson-Hing, B. Eng., (McGill University, Montreal, Canada, 1948) who is employed by the Govern-

ment of Trinidad as assistant chief city engineer of Port of Spain, Trinidad, B. W. I.

My early education, from the age of 4 to 10 years, was received at St. Phillip's Government Primary School in Georgetown, British Guiana; I subsequently attended Queen's College, a secondary school, where I gained the Oxford and Cambridge Senior School certificate in 1943. I continued there for 1 year, studying toward an intermediate Bachelor of Science certificate, and taking also through night classes an extra-curricular course in organic chemistry.

I entered Tufts College Dental School, Boston, Mass., in 1944 and graduated (cum laude) in March 1948, with membership in Omicron Kappa Upsilon Dental Society. In 1947, while in dental school, I was awarded the Forsythe Dental Scholarship.

I practiced dentistry until September 1948 at the Canadian Bauxite Co. Hospital in McKenzie City, British Guiana, and then traveled to Kingston, Jamaica, B. W. I., where I set up private practice in March 1949. In June 1949 I accepted part-time employment as dentist in charge of the school dental clinics in the parish of St. Mary, which post I still occupy.

I married Joyce Louise Chin in August 1949. She was born of Chinese parents on May 4, 1927 in Montego Bay, Jamaica, B. W. I., and was educated at the Montego Bay High School and Hampton School, Malvern, where she obtained the Cambridge School certificate in 1943. She entered Simmons College, Boston, Mass. in 1945 and graduated with the bachelor of science degree in 1949. We have one son, Collin James Manson-Hing, who was born on April 21, 1951, and are at present expecting our second child in June or July of 1955.

My wife's parents, Mr. and Mrs. James Apoy Chin, are both alive and resident in Montego Bay, Jamaica, where Mr. Chin is a merchant by trade. My wife has 2 brothers and 4 sisters. One brother, Austin Arnold Chin, holds a bachelor of arts degree from Dartmouth College, Hanover, N. H.; one sister, Christine, has a bachelor of arts degree from Smith College, Northampton, Mass., while another, Joan, has a bachelor of arts (London) degree from the University College of the West Indies.

My wife and I are both Anglican by religion, and neither of us, nor any member of our respective families, has, or has ever had, a police record. We were born, and are still, of British nationality. My wife, apart from the 4 years spent in Boston, Mass., and a short visit to Montreal, Canada, has lived all her life in Jamaica. The first 17 years of my life were spent in British Guiana, the next 3½ years in the United States of America and then 6 months in British Guiana, and the last 6 years here in Jamaica. In between, I have visited Canada and most of the West Indian islands.

Signed by me this seventh day of December, 1954.

LINCOLN R. MANSON-HING.

UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY,
UNIVERSITY MEDICAL CENTER,
November 23, 1954.

Hon. GEORGE HUDDLESTON, Jr.,
Birmingham, Ala.

DEAR MR. HUDDLESTON: This will confirm my telephone conversation of November 23, with Mr. Taylor of your office. I would like to request your cooperation in sponsoring a congressional bill that will permit the entrance of Dr. Lincoln Manson-Hing of Kingston, Jamaica, into this country.

As you undoubtedly know, the University of Alabama School of Dentistry is a new school, founded primarily to alleviate the critical need for dentists in the southeastern United States in general and the State of Alabama in particular. The number of persons who are qualified on the basis of ability and experience for faculty appointments is most limited. I had Dr. Hing as a student at Tufts College Dental School for 4 years and can personally attest to his ability. He was an honor graduate and we were prepared to utilize his services as a research and teaching assistant. Unfortunately, he had come into the country on a student visa and this was not possible.

Accordingly, he returned to the Carribean area where he has since divided his time between private practice and public-health dentistry. The latter experience would be most valuable to us. Our in-school clinical facilities are limited to low-income groups and our out-school facilities include the operation of clinics at Bryce Hospital, at the Talladega schools, Children's Hospital, Crippled Children's Clinic, and the operation of dental trailers in conjunction with the Jefferson County Public Health Department. Obviously, it is to our benefit to have as

staff appointees individuals who are not only well-qualified dentists but who have an understanding of and experience in the field of public health. It is also pertinent that Dr. Hing's experience in the Carribean has been with population groups that are primarily Negro and that an increasing segment of our clinic is with this group.

I have discussed Dr. Hing's problem with the immigration authorities in Washington and Miami. Although his family are British subjects and have lived in the British West Indies for the last three generations, he is, because of the contents of Public Law 414, classified as an Asiatic. Accordingly, he comes under the Asiatic quota. This quota is committed for a considerable time in the future and the only way in which he could be brought in would be by a special congressional act. It is my understanding that such a procedure is not unusual and is the basis for my asking your cooperation. I am asking Dr. Hing to forward all of the relevant data. When it arrives, I will put it at your disposal.

Very truly yours,

J. F. VOLKER, *Dean.*

UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY,
UNIVERSITY MEDICAL CENTER,
Birmingham, Ala., June 28, 1955.

To Whom It May Concern:

The following information is pertinent to the possible employment of Dr. Lincoln Roy Manson-Hing as assistant professor in dentistry at the University of Alabama School of Dentistry, Birmingham, Ala.:

(1) The overall dental educational facilities of the United States are currently being expanded to meet the increased demands for dental practitioners by the public and the military services.

(2) One of the limiting factors in this expansion is the lack of availability of qualified full-time dental schoolteachers. This statement is readily supported by information accumulated by the council on dental education of the American Dental Association.

(3) Since the University of Alabama School of Dentistry is a new dental school, being founded in 1948, the recruitment of faculty has posed a major problem.

(4) Dental school faculty members should have superior academic and technical abilities plus specialized practice and service experience.

(5) Dr. Lincoln Roy Manson-Hing has all of these attributes. He is an honor graduate cum laude of Tufts College Dental School. The undersigned has been in dental education continuously since 1937 ahd has been dean of two American dental schools. He has no hesitancy in saying that as an undergraduate Dr. Manson-Hing was one of the most outstanding students that he has been privileged to know. Since his graduation, Dr. Manson-Hing has been half time in private practice, the remaining half time being spent in public-health dentistry. This is an unusual combination and is excellent preparation or the faculty position for which he has been nominated.

(6) Because of these considerations, I have no hesitancy in stating that Dr. Manson-Hing is by far the best qualified candidate we have available for our vacant staff position. In the event it is not possible for him to accept this appointment, it will remain vacant or be filled by someone with abilities that are definitely inferior.

J. F. VOLKER, D. D. S., Ph. D.,
Dean.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1212), as amended, should be enacted.

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Calendar No. 998

84TH CONGRESS, 1st Session — SENATE — REPORT No. 991

HELENE MARGARETA JOBST

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1266]

The Committee on the Judiciary, to which was referred the bill (S. 1266) for the relief of Helene Margareta Jobst, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, change the period to a comma and add the following: "under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of the fiance of a legal resident alien of the United States. The bill also provides for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native of Czechoslovakia and believed to be a citizen of Germany. She is the fiance of a native of Czechoslovakia and citizen of Germany who was admitted to the

United States for permanent residence June 26, 1952. She was denied a visa on the ground that she was afflicted with tuberculosis. Her fiance states that it is the opinion of the German doctors that the beneficiary's case is one of pulmonary fibrosis rather than pulmonary tuberculosis. The beneficiary was employed by the United States Military Government in Germany during 1945 and 1946. Her parents, a brother and a sister are citizens and residents of West Germany. Without the waiver provided for in the bill, she will be unable to enter the United States for the purpose of marrying her fiance who is a legal resident of the United States.

A letter, with attached memorandum, dated May 11, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D, C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1266) for the relief of Helene Margareta Jobst, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis, and would grant the alien permanent residence if she is found to be otherwise admissible.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING HELENE MARGARETA JOBST, BENEFICIARY OF S. 1266

Information concerning this case was obtained from Walter Hans Langhammer, a native of Czechoslovakia and citizen of Germany, who is the fiance of the beneficiary. Mr. Langhammer was admitted to the United States for permanent residence on June 26, 1952.

Helene Margareta Jobst was born in Eger, Czechoslovakia, of German parents on February 21, 1924, and is believed to be a citizen of Germany. She has never been in the United States and her application for the issuance of an immigrant visa was denied because of her being afflicted with tuberculosis. Mr. Langhammer states that the beneficiary has had a number of physical examinations and X-rays taken by German doctors and that it is their opinion that the beneficiary's case presents a case of pulmonary fibrosis rather than pulmonary tuberculosis.

The beneficiary's education consists of elementary and high-school training in Czechoslovakia and also several courses in bookkeeping and secretarial training. During 1945 and 1946 she was employed by the United States Military Government at Regensburg, Germany, and by the United States Army at the same location for 1947 to 1953. At present the beneficiary is unemployed and residing at Gumppenbergstrasse No. 3, Regensburg, Bavaria, Germany, and is presently obtaining unemployment compensation of an unknown amount in addition to contributions averaging $10 a week which are being made to her by Mr. Langhammer. It appears that the beneficiary has no assets other than personal belongings and that she has no relatives residing in the United States. The beneficiary's parents, as well as a brother and a sister, are citizens and residents of West Germany.

Mr. Walter Langhammer states that it is his and the beneficiary's intention to marry if and when Miss Jobst is permitted to enter the United States. He also states that he became engaged to the beneficiary in April of 1946 but that

they did not marry prior to his coming to the United States because of the high taxes and acute housing shortage prevalent in Germany. Prior to his entry into the United States, Mr. Langhammer was employed for a number of years by both the United States Military Government and the United States Department of State in Germany. At present he is employed by Swift & Co. in Chicago, Ill., as a standards checker at a salary of about $80 per week. Mr. Langhammer's assets consist of cash resources totaling about $2,000 and he is presently residing with an uncle at 11637 Eggleston Avenue, Chicago, Ill. It is his intention that the beneficiary if permitted to come to the United States shall also live at that address until such time as they become married.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
April 7, 1955.

Re S. 1266, Helene Margareta Jobst.

Hon. HARLEY KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR KILGORE: I am pleased to submit, for the information of your committee, the attached information in support of S. 1266, for the relief of Helene Margareta Jobst.

The beneficiary of this bill is a refugee from Czechoslovakia, now residing in Germany. Since her arrival to Germany in December 1945 she has been employed by the United States Army.

Miss Jobst is the fiance of Mr. Walter Langhammer, also a Czech refugee, now a permanent resident of Chicago, Ill., since 1952, who intends to marry Miss Jobst upon her arrival in the United States. Mr. Langhammer is well established in this country and is able to provide comfortably for a wife. He has a creditable record of civilian service with the United States Army in Germany from 1945 to 1952.

However, since 1952 Miss Jobst has been unable to meet the medical requirements for an immigrant visa, although she has been under medical observation since 1944 and has been repeatedly assured by German doctors and lung specialists that the infection in question is entirely arrested and that no change has taken place in her condition since 1944.

I believe your committee will agree with me that these two young people are worthy of an opportunity to live a normal life as good citizens and to establish a family that would be a credit to our country. In order to make this possible I sincerely hope that S. 1266 will receive a favorable report in the very near future.

With kind regards,
Sincerely yours,

PAUL H. DOUGLAS.

DECEMBER 28, 1954.

Dr. OTTO SCHANZ,
Specialist in Surgery,
Regensburg, Bavaria.

MEDICAL CERTIFICATE

Miss Hella Jobst, born on February 22, 1924, is under my care from September 13, 1954 until now, as an inpatient in my hospital. Her diagnosis is bilater thrombophlebitis of both legs following a recent appendectomy; this has been complicated by multiple small to moderate lung infarctions. At the present time there is no evidence of any specific process in the lungs. All lung findings seem to be connected only with recent embolic phenomena, as much as we can judge from repeated examinations during this period of disability.

(Signature).

This statement was translated from German original.

Translated on January 10, 1955 by—

ZENONAS DANILEVICIUS, M. D.,
Chicago, Ill.

CHICAGO, *February 16, 1955.*

Hon. PAUL H. DOUGLAS,
United States Senate,
Washington, D. C.

DEAR SENATOR DOUGLAS: In June 1954, Mr. John W. Kennedy, of Washington, D. C., a friend of mine, informed you of the difficulties my fiance, Miss Helene Jobst, has been having in obtaining a visa to the United States. You kindly directed me to Mrs. Ingram of your staff with whom I have been in contact since that time.

With this letter I would like to request the introduction of a private bill to permit Miss Helene Jobst to enter the United States in spite of her health condition, which is questioned by the Public Health Service of the consulate general, Munich, Germany.

I am an expellee from Communist Czechoslovakia. For 7 years I have served the United States faithfully with the United States State Department, Foreign Service, High Commissioner of Germany. (Please see enclosure No. 1 for full personal history and enclosures 3 through 9 for character references and service records.) I am holding a promising job with Swift & Co. here in Chicago (enclosure No. 10). My salary enables me to support a wife and to guarantee any medical care which may become necessary.

I hereby state that I will marry Miss Jobst as soon as she arrives here, and furthermore, I will accept full responsibility for her.

My fiance, also a refugee from communism is encountering great difficulties in joining me because her immigration was suspended since 1952 by the United States health authorities at Munich due to an interpretation of her health status. (For details please refer to enclosure No. 1, and case history, enclosure No. 2.) She also has been a faithful employee to the United States Government for many years. (See enclosures Nos. 11 and 12.)

My uncle, Mr. Edward Mysz, 11637 Eggleston Ave., Chicago, Ill., who owns considerable real estate in Chicago Heights and Chicago (see enclosure No. 13) also accepts full responsibility for her and has issued an affidavit of support on her behalf. At the same time he also accepts liability for her medical care.

I am sure you can appreciate that the human side of our case is really depressing. Miss Jobst and I have been engaged for 7 years and have been separated now for over 2½ years. Apart from our strong emotional attachment which could never permit us to break our engagement, our religious beliefs could never allow it. It is our only desire to be married and live a normal life as good citizens here.

I kindly ask you to use all your influence to assure passage of this bill, since the entire future of two young people, eager to become good citizens, depends on the outcome of this case. I am placing all my hopes in you and the Congress, believing that human values will be respected as long as there is a free America and true representatives of the people like you.

Sincerely yours,

WALTER LANGHAMMER.

PERSONAL DATA

Miss Helene Margareta Jobst.

Born on February 21, 1924, at Eger, Bohemia, Czechoslovakia (see attached birth certificate).

Present address: No. 3 Gumppenbergstrasse, Regensburg, Germany, United States Zone.

Miss Jobst attended grammar school and a Catholic high school at Eger, Czechoslovakia, and several business courses. During the war she worked as bookkeeper for a food wholesale firm at Eger. She fled from Czechoslovakia in December 1945 when her father's business was taken over by the Czech Government. She arrived at Regensburg, United States Zone of Germany, in December 1945 and started to work for the American occupation authorities there.

From 1947 until 1953 Miss Jobst worked as secretary and administrative assistant for Headquarters, Region V, 66th Counter Intelligence Corps Group, United States Army, Europe. (See enclosures 11 and 12.) When this CIC group was dissolved in summer 1953 she became secretary and assistant with S–5 offices (Army liaison office) at Parsberg, Germany.

Walter Hans Langhammer.
Born on June 30, 1926, at Plan, Bohemia, Czechoslovakia.
Present address: 11637 Eggleston Avenue, Chicago 28, Ill.

Attended grammar school, high school and college in Bohemia, was drafted into the German Army in 1944 and released from a French POW Camp to Czechoslovakia in summer 1945. Escaped from Czechoslovakia in December 1945. At that time my father's textile business was confiscated by the communistic Czech Government. From December 1945 until March 1948 I worked as interpreter and chief clerk for the Military Government Liaison and Security Detachments F2G2, D212 at Regensburg, United States Zone of Germany. In March 1948, I was promoted to area chief clerk, Military Government Area, Regensburg, and later on to chief clerk, Branch D, military government for Niederbayern-Oberpfalz. After reorganization to United States State Department, High Commission for Germany, I became office manager and political affairs assistant with OLCB, District II. (See enclosures 3 through 9).

Entered the United States on June 26, 1952, at New York as N. P. quota immigrant (Registration No. A8336100).

I filed my declaration of intention to become a citizen in the United States district court at Chicago, Ill., on March 2, 1953.

Started to work for Swift & Co. in July 1952 with Arnold Bros. (standards department) and was transferred to general offices, Swift & Co., Chicago, standards department on August 1, 1954. (See enclosure 10.)

CASE HISTORY

On November 21, 1952, Miss Jobst was called to the United States consulate general at Munich, Germany, for an interview and medical examination.

At the time of her application, a shadow or scar showed up on her chest X-ray. Evidently, this was sufficient grounds for the health authorities to put her application in a "suspected" category.

My fiance has been under medical observation since 1944, when the original TB infection was discovered. This infection was already inactive at that time. We have been repeatedly assured by German doctors and lung specialists, and the respective X-ray pictures proved that the infection is entirely arrested and that no change had taken place since 1944. Again in 1954 I received a medical report from a German lung specialist which stated that there were no changes since 1952, while she was under his observation.

My fiance received a 1-year deferment and I was informed that if no changes were to be found in her X-ray picture she would become medically eligible. She was eligible for reexamination on January 2, 1954. In April of the same year the American consulate informed us that she was again found to be medically ineligible to receive a visa. I am at a loss to understand this finding, even considering the apparent fact that there seems to be a difference of opinion between the German and PHS physicians.

A check with the public health authorities here in Chicago revealed that their regulations permit a change in diagnosis from pulmonary tuberculosis to pulmonary fibrosis if it appears that a tuberculosis condition has been arrested and has remained stable for some time. This change in diagnosis would be sufficient to pass her application.

STATE OF ILLINOIS,
DEPARTMENT OF PUBLIC WELFARE,
ILLINOIS SECURITY HOSPITAL,
Menard, Ill., January 13, 1955.

Hon. PAUL H. DOUGLAS,
United States Senate,
Washington, D. C.

DEAR SENATOR DOUGLAS: After a year's absence for additional study I am back on the job as psychologist at this hospital. Each weekend I travel to Chicago, where I act as assistant to the pastor of the parish in which I grew up. As a result of my work in the home parish I came in contact with Mr. Walter Langhammer, who really needs and merits help in solving a serious personal problem. I understand that there has been some correspondence between you and Mr. Langhammer; no doubt the details in the case are familiar to you or one of your assistants.

For several years now, Mr. Langhammer has been in hopes that his fiance, Miss Hella Jobst, would be admitted to this country from Germany, so that they could be married and live a normal life as good citizens here. From what I have been able to learn about these two people, I believe that they would establish a family that would be a credit to our country.

Unfortunately, a squabble among the doctors over what interpretation is to be made of some X-ray films, whether these indicate the presence of active or arrested tuberculosis in Miss Jobst, has acted as an almost insurmountable obstacle in the way of immigration for Miss Jobst.

From years of work in hospitals, I have learned that the term "medical examination discloses" can at times cover a multitude of sins. Artifacts can, and do take place on X-ray film at times. An X-ray film is not conclusive evidence for or against the presence of tuberculosis. A series of laboratory tests is also required before a diagnosis is established.

Am wondering if you could, through your contacts with the Surgeon-General, obtain some direct information regarding the results, as well as the type of medical examination given Miss Jobst? If the examination was not complete, it should not be too difficult to arrange that Miss Jobst be admitted to some American facility where under American doctors she could be given a complete and a thorough examination.

This might require cutting some redtape, but the ultimate results would certainly justify it. And it very well could serve as an object lesson to some people in Europe that the American authorities respect human values.

Wishing you, and praying for your continued success in the good work you are doing for our country, I remain,

Sincerely yours,

Rev. VINCENT TIKUISIS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1266), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 992

LUISE ISABELLA CHU, ALSO KNOWN AS LUISE SCHNEIDER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3628]

The Committee on the Judiciary, to which was referred the bill (H. R. 3628) for the relief of Luise Isabella Chu, also known as Luise Schneider, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 8, beginning with the word "Upon" strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Luise Isabella Chu, also known as Luise Schneider. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota charge inasmuch as the alien minor children of United States citizens are normally entitled to the status of nonquota immigrants.

STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native and citizen of Germany, who last entered the United States on January 14, 1949, accompanied by her mother, who was admitted under the Fiancee's Act of March 24, 1948. The mother subsequently married Barlow Chu, a citizen of the United States and her status was adjusted to that of a lawful permanent resident. The beneficiary was born out of wedlock and her stepfather has expressed a desire to adopt her.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7565, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

JUNE 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7565) for the relief of Luise Isabella Chu, also known as Luise Schneider, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H., office of this Service, which has custody of those files.

The bill would grant this alien child permanent residence in the United States as of the date of the enactment thereof upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, the child would be chargeable to the quota for Germany.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUISE ISABELLA CHU, ALSO KNOWN AS LUISE SCHNEIDER, BENEFICIARY OF H. R. 7565

The beneficiary was born on August 21, 1946, at Allersberg, Germany, and is a citizen of that country. Her only entry into the United States was at the port of New York on January 14, 1949, at which time she was accompanying her natural mother, Oswitha Isabella Schneider, who was admitted for 3 months under the Fiancee's Act of March 24, 1948 (Public Law 450), in accordance with the provisions of section 3 (2) of the Immigration Act of 1924. After marriage to Barlow Chu, a citizen of the United States, on March 26, 1949, at Kapaa, Kauai, T. H., the mother's status was adjusted to that of a lawful permanent resident under the provisions of Public Law 51.

Since the beneficiary is an illegitimate child by a father other than her mother's present husband, Barlow Chu, she did not come within the purview of Public Law 51 and when no application for an extension of stay of her temporary visitor's status was submitted on her behalf, deportation proceedings were instituted. The child was ordered deported by a special inquiry officer on August 25, 1953, on the charge that she failed to maintain her status as a visitor for pleasure. An appeal from this decision was denied by the Board of Immigration Appeals on December 2, 1953.

Mrs. Oswitha Isabella Chu nee Oswitha Isabella Schneider, the beneficiary's mother, is a native of Germany, who was naturalized a citizen of the United States at Kauai, T. H., on March 17, 1954. Her husband, Barlow Kim Han Chu, also known as Barlow Kalei Chu, was born at Kauai, T. H., on September 7, 1923. He served in the Army of the United States from the time of his enlistment on November 29, 1945, until the time of his honorable discharge on January 20, 1949. It was while serving in the European theater of operations in Germany that Mr. Chu met Mrs. Chu.

Mr. Chu is employed by the Kauai Police Department at a salary of $318 per month. Mr. and Mrs. Chu have a thousand dollar equity in a home valued at $4,500. They own home furnishings with an estimated value of $1,000 and a 1950 Chevrolet valued at $900. They have no savings or other assets.

Mrs. Joseph R. Farrington, the author of the bill, submitted the following information in support of the bill:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Honolulu, T. H., February 24, 1954.

Hon. PHILIP L. RICE,
Judge, Circuit Court of the Fifth Circuit,
Lihue, Kauai.

DEAR JUDGE RICE: I am, of course, glad to be able to provide you with the particular items of information requested by Delegate Farrington concerning Birgit Camara and Luise Isabella Chu.

Birgit Heinemann, now known as Birgit Camara, was admitted into the United States at the port of New York on December 29, 1948, with her mother, who was then Elizabeth Anna Gertrude Heinemann. They were admitted under the provisions of Public Law 450 (the Fiancee's Act) of March 24, 1948, as temporary visitors for 3 months. The mother's status was changed upon her marriage to August J. Camara to that of a nonquota immigrant. As no extension of time for which the child was admitted was applied for, she became deportable at the expiration of the 3-month period.

Birgit Heinemann was born at Wanfried, Germany, on July 19, 1947, and now lives with her mother and adopted father at Kalaheo, Kauai, T. H., according to the last address we have in our file. This office has no knowledge of any other relatives residing in the United States.

Luise Isabella Chu was born on August 21, 1946, at Allersburg, Germany, and arrived with her mother in the United States at the port of New York on January 17, 1949. The circumstances of her arrival and subsequently becoming deportable are exactly the same as in the case of Birgit Camara, except that her mother's marriage which granted the mother nonquota immigrant status occurred on March 26, 1949, at Kapaa, Kauai, T. H. Our file shows that Luise Isabella Chu is now residing with her mother at Lihue, Kauai, and, as in the case of Birgit Heinemann, we have no record of any other relatives in the United States.

I believe that this, according to your letter, is the information that Mrs. Farrington requires.

Very truly yours,

ELMER E. POSTON,
District Director, Honolulu District.

INFORMATION IN SUPPORT OF H. R. 7565, 83D CONGRESS, 2D SESSION, INTRODUCED BY MR. FARRINGTON, JANUARY 27, 1954, RE LUISE ISABELLA CHU, ALSO KNOWN AS LUISE SCHNEIDER

Luise Isabella Chu, also known as Luise Schneider, was born on August 21, 1946, in her mother's home at Allersburg, Germany.

She was admitted into the United States at the port of New York, having arrived at La Guardia Airport on January 17, 1949, with her mother, then Oswitha Schneider.

They were admitted under the provisions of Public Law 450 (the Fiancee's Act) of March 24, 1948, Luise, then 2 years of age, being listed on the passport of her mother, Oswitha Schneider, as "child"; their admission being as temporary visitors for 3 months.

The mother's status was changed to that of a nonquota immigrant upon her marriage to Barlow Chu on March 26, 1949, at Kapaa, Kauai, T. H. Barlow Chu is a citizen of the United States who served in the United States Army in Germany and is now a member of the police force of the county of Kauai, T. H. He has expressed a desire to and purpose of adopting the child, when he is able to do so.

The child, Luise, has been residing with her mother and stepfather, now at Omao, Kauai, T. H. (their post office address being Box 145, Koloa, Kauai, T. H.) but, as no extension of time for which the child was admitted was applied for, she became deportable at the expiration of the 3-month period following her entry into the United States and, because of failure to make timely application, there is no administrative remedy available in her case.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3628), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 993

BIRGIT CAMARA, ALSO KNOWN AS BIRGIT HEINEMANN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3635]

The Committee on the Judiciary, to which was referred the bill (H. R. 3635) for the relief of Birgit Camara, also known as Birgit Heinemann, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 8, beginning with the word "Upon," strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Birgit Camara, also known as Birgit Heinemann. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota charge inasmuch as the alien minor children of United States citizens are normally entitled to the status of nonquota immigrants.

STATEMENT OF FACTS

The beneficiary of the bill is an 8-year-old native and citizen of Germany, who last entered the United States on December 29, 1948, accompanied by her mother, who was admitted under the Fiancée's Act of March 24, 1948. The mother subsequently married August Camara on January 21, 1949, and her status was adjusted to that of a lawful permanent resident. Two citizen children have been born in this country. The beneficiary was born out of wedlock and has been adopted by Mr. Camara, the beneficiary's stepfather.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7566, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

JUNE 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7566) for the relief of Birgit Camara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H., office of this Service, which has custody of those files.

The bill would grant this alien child permanent residence in the United States as of the date of the enactment of this act upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, the child would be chargeable to the quota of Germany.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BIRGIT CAMARA, BENEFICIARY OF H. R. 7566

The beneficiary, Birgit Camara, is a 7-year-old female child, a native and citizen of Germany, born at Wanfried, German, on March 3, 1947. Her only entry into the United States was at the port of New York, N. Y., on December 29, 1948, when she was accompanied by her natural mother, Elizabeth Anna Gertrude Heinemann. They were admitted for 3 months as temporary visitors under the Fiancee's Act of March 24, 1948 (Public Law 450). After her mother married August Jacintho Camara, a citizen of the United States, on January 21, 1949, at Koloa, Kauai, T. H., her mother's status was adjusted to that of a lawful permanent resident of the United States.

Since the beneficiary is an illegitimate child by a father other than her mother's present husband, August Camara, she was ineligible for adjustment of her status under Public Law 51, and when no application for an extension of her temporary stay was filed on her behalf she was placed under deportation proceedings. She was ordered deported by a special inquiry officer on July 28, 1953, on the charge that she had failed to maintain her status as a visitor for pleasure. No appeal to the Board of Immigration Appeals was taken from this decision.

Mr. August Camara is a native and citizen of the United States by birth at Eleele, Kauai, T. H., on August 17, 1921. He is a veteran of the Second World War, having served in the United States Army from August 18, 1944, until his honorable discharge on August 11, 1946. It was while serving in the European theater of operations in Germany that Mr. Camara met Mrs. Camara.

The beneficiary resides with her mother and stepfather at Kalaheo, Kauai, T. H., and there now are two other children by this marriage, both of whom were born in Hawaii.

Mr. Camara is employed by a sugar plantation as a field foreman and has average earnings of about $275 per month. Mr. and Mrs. Camara have an equity of $8,500 in a home valued at $16,000. Their homefurnishings are valued at about $2,500 and they own a 1950 Chevrolet with an estimated value of $350. They have no savings or other assets. The beneficiary was legally adopted by Mr. Camara in the fifth circuit court, Kauai, T. H., on May 29, 1952.

Mrs. Joseph R. Farrington, the author of the bill, submitted the following memorandum of information concerning the beneficiary of the bill:

CIRCUIT COURT OF THE FIFTH CIRCUIT,
CHAMBERS OF PHILIP L. RICE, JUDGE,
TERRITORY OF HAWAII,
Lihue, Kauai.

Re Birgit Camara, also known as Birgit Heinemann. Born: July 19, 1947. Mother: Elizabeth Camara.

Mrs. Elizabeth H. Camara was interviewed in the office and later at her home in Kalaheo. The woman was very much perturbed and cried bitterly throughout most of the interview. She remarked several times that she hasn't had a minute's rest in months, she has been so worried about the possibility of losing her daughter through deportation.

According to Mrs. Camara, she met and fell in love with August Camara while he was stationed with the United States Army in Germany. Birgit's father was a German. She never saw nor heard from him since before the birth of the child. August and his parents provided food and clothing for Birgit and Elizabeth since the birth of the child.

The Kauai chapter of the American Red Cross made all arrangements for Elizabeth and Birgit to come to Kauai and the former to marry August Camara. According to their records, the latter accepted paternity of Birgit. They arrived on Kauai on December 31, 1948, and were married in Koloa on January 21, 1949.

According to Mrs. Camara, her educational advantages were limited under the Nazi regime and she thought when she and her baby arrived in the United States and she was safely married to August, that all of her troubles were over. At the time of her arrival she could only speak a little English. Now she speaks with a decided German accent but the probation supervisor had no difficulty in understanding her.

Elizabeth gave birth to her second child and first son, Wayne August, on May 18, 1951.

In May 1953, Birgit was adopted.

In June or July 1952, Mrs. Camara received a letter from immigration officials asking if it would be convenient for her to come to Honolulu for a hearing. She was beginning another pregnancy and was quite ill, and Dr. M. A. Brennecke advised her to ask for a postponement. Some months later she was better and wrote and said that she was ready to appear when an appointment could be arranged, but she did not receive an answer to this letter.

On March 31, 1953, the day her youngest baby was born, a police officer went to the Camara home to tell Elizabeth to report to the immigration officer who was in Lihue. She was excused due to her confinement.

On June 30, 1953, an officer from the immigration office called at the Camara home with a warrant for Birgit's arrest. He gave Elizabeth several papers to fill out and have ready when she received notice of a hearing.

On July 3, 1953, Elizabeth received a letter requesting her appearance at a hearing in Honolulu.

On July 20, 1953, August, Elizabeth, and Birgit went to Honolulu. They took all of their letters, documents, etc., with them. After the hearing, they were advised to return home as the information would be forwarded to Washington and it would take some time to get an answer.

In the second week of August, Elizabeth received a letter stating that Birgit would have to be deported for economic reasons, or words to that effect. (Mrs. Camara gave all letters to Attorney O. P. Soares so could not show them to the probation supervisor.) In this letter she was advised that an appeal could be made to Washington within 10 days * * *.

Mr. Camara, Sr., August's father, said he would get Mr. O. P. Soares to take the case. The latter agreed to do it for $300, $150 down, and $150 when completed. He told them not to worry as he would "take care of everything."

On November 19, 1953, Elizabeth received a letter from the immigration officials saying that as no appeal had been filed, deportation of Birgit was in order and telling her to appear and make arrangements. A phone call was made to Mr. Soares. He said there must have been a mistake and asked them to mail the notice to him, which they did, via airmail special delivery. He told them he would let them know what was developing, and they were so anxious and desperate when they didn't hear that they phoned again on November 28, 1953. He told them he had had two meetings with immigration officers and was to have another on November 30, 1953. They did not hear from him again and came to Lihue by appointment to see Mr. Elmer Poston on December 18, 1953.

The Camara family are oldtimers on Kauai who have an excellent record and who have always been well respected in the community. August has been employed by Gay & Robinson for 8 years and earns approximately $260 per month. He and Elizabeth and their three children live in a rented home in Kalaheo, but they have made a downpayment on a new home in Omao and are preparing to move shortly. Aside from the emotional strain they have suffered from the possibility that Birgit would be deported, the proceedings have been a severe financial strain. They are in debt, and it would be impossible for them to raise enough money to take Birgit to Germany to "fight the case," and there is no one there to whom they could send the child.

Birgit is a beautiful 6-year-old girl, and she attends Holy Cross School in Kalaheo where she is an excellent student, happy and well adjusted. Her parents have tried to keep the knowledge of her insecure status from her.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3635), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 994

PERICLES G. CALLIMANOPOULOS AND HIS FAMILY

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1298]

The Committee on the Judiciary, to which was referred the bill (S. 1298) for the relief of Pericles G. Callimanopoulos and his family, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 5 change the name "Domina" to "Domna".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Pericles G. Callimanopoulos and his family. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 65-year-old husband, 46-year-old wife, and their children, aged 23, 21, 19, and 16 who are all citizens of Greece. The wife is a native of Turkey. The principal beneficiary first entered the United States at New York in December 1945 when he was admitted as a treaty trader. He last entered the United States October 17, 1954, as a treaty trader until February 20, 1955. The wife entered the United States on five occasions between October 7, 1946, and August 30, 1954, when she was admitted as the spouse of a treaty trader. The children also made several entries into the United States as dependents. The father is general manager of

Hellenic Lines, Ltd., and has substantial interests in the firm. He claims that during the war when the line was being operated by their British agent, 8 of their 9 ships were sunk in the service of the Allies. He has two citizen brothers who served in World War II. The principal beneficiary bailed to apply for an extension of stay prior to February 20, 1955, when his nonimmigrant treaty trader status expired.

A letter, with attached memorandum, dated June 1, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization with reference to the bill reads as follows:

JUNE 1, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to bill (S. 1298) for the relief of Pericles G. Callimanopoulos, his wife, Anna, and his children, Catherine, Mary, Gregory, and Domina, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Hartford, Conn., office of this Service which has custody of those files. According to the records of this Service, the correct given name of the child-beneficiary, Domina, is Domna.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota for the first year that such quota is available.

The principal beneficiary and the four children are chargeable to the quota of Greece. The wife-beneficiary is chargeable to the quota of Turkey.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PERICLES G. CALLIMANOPOULOS AND HIS FAMILY, BENEFICIARIES OF S. 1298

Pericles G. Callimanopoulos is a native and citizen of Greece, who was born on October 20, 1889, at Patras. He married Anna Sismanoglou in Greece in 1931. She is a native of Turkey and a citizen of Greece who was born on April 13, 1909, at Constantinople. There are four children of the marriage, all born at Athens, Greece as follows: Catherine on December 2, 1931; Mary on August 30, 1933; Gregory on April 7, 1936, and Domna on November 29, 1938. Mr. Callimanopoulos and his family reside at Rock Ridge Road, Greenwich, Conn. He is general manager of the Hellenic Lines, Ltd., 39 Broadway, New York, N. Y. at a salary of $18,000 a year. His financial interest in this company is a substantial one and he has been associated with it since its beginning in Greece in 1934. He opened a New York office for the firm in 1945. This beneficiary received an elementary and a high-school education at Patras. He served with the Greek Army from 1914 to 1918. During World War II he lived in Greece under German occupation forces during which time his business activities were suspended and the ships of the Hellenic line were managed by the London agent of the firm. He claims that of 9 ships owned by the line, 8 of them were lost at sea during World War II in the service of the Allies. The alien has assets consisting of the following: real estate in Greece valued at $50,000; stocks in the United States valued at $40,000; savings account $7,000; 10 rooms of household furniture valued at $25,000; jewelry valued at $1,000; an automobile worth $500 and personal effects in excess of $1,000. This beneficiary also has a substantial financial interest in two United States steamship companies, the Trans-Fuel Co. and Drytrans, Inc. He has two brothers residing in the United States who he claims are United States citizens and who served as majors in the United States Army during World War II. He also has a sister living in this country and his nearest relative abroad is another sister who lives in Athens.

Anna Callimanopoulos spent her early years in Turkey and went to private schools for elementary education. She attended Zappion Greek School at Con-

stantinople from 1920 to 1925, English High School for Girls at Constantinople from 1926 to 1927, and was instructed by private tutors from 1927 until her marriage in 1931. Mrs. Callimanopoulos is conversant with the Greek, English, French, Turkish, and German languages; she is a student of the arts and a pianist. Her assets are as follows: personal jewelry valued at $5,000; an automobile worth $1,800 and personal effects valued at $2,000. This alien's only near relative, excepting her immediate family in the United States, is an uncle who resides at New Rochelle, N. Y. Her nearest relative abroad is a sister living at Athens.

Catherine, the eldest daughter, is unmarried, lives with her parents at Greenwich, and is employed as a secretary in New York City at a weekly wage of $41. She received her early education in Greece and attended the Hatzcostadinu in Old Phaliron, at Athens. She graduated from Greenwich Academy in 1950 and was awarded a bachelor of arts degree from Wellesley College, Massachusetts, in 1954. Her clothing and personal effects are valued at $1,000. She admits an arrest for a motor-vehicle violation at Greenwich in 1953 for which she paid a fine of $15.

Mary, the second daughter, is unmarried and a senior at Wheaton College, Massachusetts. Her early education was received in Greece and she attended the Hatzcostadinu. She graduated from Greenwich Academy in 1951. She has clothing and personal effects worth $1,000. Mary was arrested and fined for speeding at Greenwich in 1954.

Gregory, the son, is unmarried and a sophomore at Princeton University. He attended the Hatzcostadinu from 1941 to 1946 and graudated from Choate School in Connecticut in 1953. His assets consist of $800 in a savings account; $1,000 in stocks; and clothing and personal effects valued at $300. Gregory was arrested and fined for speeding at Greenwich in 1954.

Domina, whose correct given name is Domna, the third daughter, is unmarried and resides at Greenwich with her parents. She is a high-school junior at Greenwich Academy and attended grammar school at Athens. Her personal effects are valued at $250.

Pericles G. Callimanopoulos has made six entries into the United States. He first entered at New York in December 1945 and was admitted as a nonimmigrant visitor for business, and departed in accordance with the terms of his admission. All subsequent admissions to this country were authorized in the status of a nonimmigrant treaty merchant. This alien last entered the United States at New York City on October 17, 1954, when he was lawfully admitted as a nonimmigrant treaty trader until February 20, 1955. He failed to apply for an extension of stay but did continue to engage in trade between the United States and Greece.

His wife entered the United States on five occasions between October 7, 1946, and August 30, 1954. On each occasion she was admitted as the spouse of a treaty trader. Catherine and Mary made three entries into the United States between October 7, 1946, and August 30, 1954. Gregory made four entries between September 1946, and August 30, 1954. Domna entered twice; on October 7, 1946, and August 30, 1954. The children were admitted on each occasion in a nonimmigrant status as the dependents of a treaty merchant. Mrs. Callimanopoulos and her children last entered the United States at the port of New York on August 30, 1954, on the steamship *Constitution*, at which time they were admitted as the spouse and dependent children of the alien-husband treaty trader.

Deportation proceedings were instituted on April 4, 1955, in the cases of all beneficiaries as follows: in the case of Mr. Callimanopoulos in that he failed to maintain the status of a nonimmigrant treaty trader; in the case of Mrs. Callimanopoulos in that she failed to maintain the nonimmigrant status as the spouse of a treaty trader; in the cases of Catherine and Mary in that at the time of entry they were within one of the excludable classes in that they did not present immigrant visas; in the cases of Gregory and Donna in that each failed to maintain the nonimmigrant status of the child of a treaty trader. In a hearing held on April 25, 1955, a new ground for deportation was lodged against Mrs. Callimanopoulos and the younger children, Gregory and Donna, in that at the time of last entry they were within one of the excludable classes, to wit, immigrants not in possession of immigrant visas. Mr. Callimanopoulos, Catherine, and Mary were found deportable on the charges in the warrant of arrest and Mrs. Callimanopoulos, Gregory and Donna on the lodged charges. In a decision dated April 29, 1955, it was ordered that the aliens be granted voluntary departure and in the event that they failed to depart, they be deported. It is not known at this time whether the decision will be appealed.

There appears to be no administrative relief available in these cases. The beneficiaries have stated that other than themselves they know of no one interested in the passage of the private bill.

Senator Prescott Bush, the author of the bill, has submitted the following letters in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
March 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: On March 4, I introduced a private bill, S. 1298, copy of which is attached for your ready reference, for the relief of Pericles G. Callimanopoulos and his family.

Mr. Callimanopoulos came to this country on October 8, 1945 as a visitor and his family joined him here a year later. His status was subsequently changed to that of treaty trader in view of his capacity as general manager of Hellenic Lines Ltd., engaged in running a regular steamship service from United States North Atlantic ports and another from United States Gulf ports to Greece and other Mediterranean ports. His status has been renewed every year, the last renewal expiring on May 14th next.

Mr. Callimanopoulos has three daughters—Catherine, Mary, and Domna, and a son—Gregory. Catherine, his eldest daughter, graduated last year from Wellesley College. Mary, his second daughter, will graduate this year from Wheaton College, and his youngest daughter, Domna, is a junior at Greenwich Academy, from which school Catherine and Mary have likewise graduated. His son is a sophomore at Princeton University.

Mr. Callimanopoulos has just been advised that his daughter Catherine being over 21 years of age, can no longer be considered as his dependent, and therefore cannot have the same status as he does, that of treaty trader. Consequently, unless some change is made in her status, she will be faced with deportation proceedings. This will be the case very soon with the second daughter and subsequently with the other 2 children when they reach the age of 21. Mr. Callimanopoulos will have to remain in this country in view of his business while some members of his family will have to proceed abroad.

For this reason, I have introduced S. 1298, for the relief of this family, as I feel it would create an undue hardship for the family to be separated. I hope your committee will feel the same way, and will act favorably on this legislation.

Thanking you, I am,
Sincerely yours,

PRESCOTT BUSH,
United States Senator.

THE ROCK RIDGE ASSOCIATION, INC.,
Rock Ridge, Greenwich, Conn., May 6, 1955.

Hon. PRESCOTT BUSH,
United States Senate,
Washington, D. C.

MY DEAR SENATOR BUSH: I am writing to you in connection with S. 1298 for the relief of Pericles G. Callimanopoulos and his family.

For a number of years Mr. Callimanopoulos has been treasurer of the Rock Ridge Association, a neighborhood organization in Greenwich, which has been active for more than 50 years. He is esteemed by the members of the association as a public spirited and good neighbor, and the members of his family are equally well regarded.

I am expressing the sentiments of association members when I urge that you make every effort on behalf of this bill. Its passage would not only serve the ends of justice, but also the best interests of our community.

With many thanks for your interest.
Sincerely yours,

LEONARD F. ERIKSON, *President.*

Further information with reference to the bill was submitted to the chairman of the Senate Committee on the Judiciary as follows:

APRIL 27, 1955.

Hon. HARLEY M. KILGORE,
United States Senate,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I have been informed that S. 1298, a bill to provide that Mr. P. G. Callimanopulos and his family shall be considered as having been lawfully admitted into the United States for permanent residence, has been introduced by Senator Prescott Bush. I earnestly request that you give this bill your full support.

I understand from my close associates that Mr. Callimanopulos is a fine and worthy person and that the bill will correct a very difficult situation in which he now finds himself. I therefore recommend that the committee give careful consideration to this bill and urge its passage on the floor of the Senate.

Sincerely,

AVERELL HARRIMAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1298), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 995

VALDIS MIKELSONS

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1474]

The Committee on the Judiciary, to which was referred the bill (S. 1474) for the relief of Valdis Mikelsons, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, change the period following the word "fee" to a comma and insert the following:

under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Valdis Mikelsons. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is an unmarried 27-year-old native and citizen of Latvia who entered the United States on March 2, 1955, at New York as a visitor to attend his mother's funeral in St. Paul, Minn. His father, mother, and sister came to the United States in 1950 as

displaced persons, but the beneficiary was unable to accompany them because of a tubercular condition.

A letter, with attached memorandum, dated June 16, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1474) for the relief of Valdis Mikelsons, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota of Latvia.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VALDIS MIKELSONS, BENEFICIARY OF S. 1474

The beneficiary, Valdis Mikelsons, was born in Riga, Latvia, on July 17, 1928, and is a citizen of Latvia. He has never married.

The beneficiary resides at 611 Ashland Avenue, St. Paul, Minn.; and is unemployed. He completed 5 years' university work in physics and mathematics in Germany. He has no income and his assets consist of $150 cash. His father resides in St. Paul, Minn., and a sister resides in Minneapolis, Minn. Both are in the United States as lawful resident aliens. The beneficiary resided in Germany as a displaced person from 1949 to the time of his entry into the United States.

Mr. Mikelsons entered the United States on March 2, 1955, at New York, N. Y., as a visitor for the purpose of attending his mother's funeral. Deportation proceedings were instituted on April 5, 1955, on the ground that he had failed to maintain his nonimmigrant status and on April 12, 1955, the special inquiry officer ordered that he be granted the privilege of departing voluntarily from the United States with the proviso that failure to depart would result in his deportation. There appears to be no other form of administrative relief available to the beneficiary.

The beneficiary has not registered for selective service and has 6 months from the date of his entry into the United States to register before he will be in violation of the selective service laws and regulations. He has had no military service.

The beneficiary was unable to accompany his family to the United States in 1950 because of a tubercular condition which made him ineligible to obtain a visa at that time.

The person primarily interested in the bill is the beneficiary's father, Reinholds Mikelsons, who resides at 611 Ashland Avenue, St. Paul, Minn., and is employed by Minnesota Mining & Manufacturing Co., St. Paul, Minn., as a proofreader. He is able and willing to continue to support the beneficiary.

Senator Edward J. Thye, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., April 8, 1955.

Hon. HARLEY KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: There is pending before the Subcommittee on Immigration, of the Committee on the Judiciary, a bill in whose adoption I am deeply interested; namely, S. 1474, for the relief of Valdis Mikelsons. I introduced the bill on March 16.

Adoption of this bill would permit Mr. Mikelsons to remain in the United States as a permanent resident, and I believe that such favorable action would be in keeping with our country's policies in sharing in the relief of persons displaced as a result of the tragedies of war and the subsequent Communist aggression. It would at the same time, as I am sure the committee will find, represent a humane action of a high order.

The simple facts are that this young man and his parents and sister, who originally were residents of Latvia, are refugees who have suffered much hardship. The father, mother, and sister came to the United States as displaced persons, but Valdis, the son, was denied a visa because of illness with tuberculosis, no doubt induced by the hardship he had suffered in being displaced, not once but several times, in the flight from the Communist absorption of the areas where they lived. When the mother, who died in this country, was stricken, Valdis was afforded a visitor's visa to attend her funeral, and he is now in the United States, residing with his father at 611 Ashland Avenue, St. Paul, Minn., on this temporary permit. He must return to Germany at the end of a 3-month period from March 1, unless relief can be afforded by passage of S. 1474, and meanwhile he gave up application for a visa under the Refugee Relief Act in order to be able to join his father and sister temporarily at the time of the mother's death.

The reports that I have received indicate that the improvement in his health is such that he would not present a serious public health problem, and I have assurances that he would not become a public charge, in any event, as both his father and sister are well employed.

It would seem to me that a very grave and unnecessary hardship would result if this young man were again forced to leave his family and return to Germany, to await the uncertainty of receiving a visa under the Refugee Relief Act, especially since that entire effort must be initiated anew. He is an acceptable person in every respect, except for the health factor which technically bars him, and his improvement in that respect is such, in my opinion, that no substantial factor stands in the way of his acceptance as a permanent resident of this country.

In elaboration of the information which I am here presenting to the committee and in support of my urgent request that early favorable action be taken on S. 1474, I am forwarding to the committee the following: (1) Article from the Minneapolis Sunday Tribune of March 13, 1955, under Mr. George Grim's column, "I Like It Here"; (2) copy of letter addressed to me by Mr. Reinholds Mikelsons, the father; (3) copy of letter addressed to me by Mr. W. F. T. Greaves chairman of the displaced persons committee of Peoples Highland Park Church (Congregational) of St. Paul.

I sincerely hope, Mr. Chairman, that your committee will agree with my considered judgment that favorable action on S. 1474, without undue delay, will be in the interests of the United States and will, likewise, serve humane and just considerations.

Sincerely yours,

EDWARD J. THYE,
United States Senator.

[From the Minneapolis Sunday Tribune, March 13, 1955]

I LIKE IT HERE

By George Grim

Twenty-seven year-old Valdis Mikelsons has lived three lives—but may lose his last one. His is a story of flight, of tragedy, of challenge met by this quiet, intelligent, determined young man.

He and his sister Ilze lived a happy childhood in Riga, Latvia. Their father, Reinholds, was headmaster of a high school, a lecturer in history at the local

university. His mother was becoming the best known writer of psychological novels in that part of Europe.

World War II put a question mark into the ordered existence and the future plans of the little family. When, in October 1944, the Russians entered Latvia, the Mikelsons family got out. For a time, Reinholds found himself away from books and pupils and in the German labor force. He was on the production line in a propeller factory. The next April, the Americans liberated that area of Saxony.

But Saxony was a piece of European geography given to the Russians. Once again, the family had to move. This time, to Thuringia.

One week later, that area was handed to the Russians and, again, the family cleared out when the Communists came in. The next years were spent in a DP camp in Bavaria. Eventually Reinholds was given a responsible post in the International Refugee organization. Meantime, their plans to come to the United States, long a dream began to assume reality.

The family was on the point of departure when an X-ray of Valdis' lungs showed signs of tuberculosis.

"He can't go to America in this condition," said officials. "He'll have to stay here in Germany and be cured."

A mother's immediate decision told Konstance Mikelsons to stay with her son There was a heartbreaking farewell as father and daughter sailed for America.

In St. Paul, Reinholds found a job as janitor for St. Paul Book & Stationery Co. A year later, he had moved to the job of account checker at St. Paul Fire & Marine Insurance Co. Now he's a proofreader in the billing department of Minnesota Mining & Manufacturing Co. His is the story of progress in a new land—progress by a man whose intellect is used for adjustment, not disillusion. Daughter Ilze works at First National Bank, Minneapolis, in the mail deposit department.

In 1951, the year after father and daughter came to America, there was another decision to be made. Mrs. Mikelsons, in Germany, was told she must come to America under the arrangements made before. If not, she would lose her chance of ever coming. Her son's health was better now; he was studying at Baltic University, Hamburg. He insisted his mother go to Minnesota to be with the rest of the family.

Two years ago, Konstance suffered an attack of coronary thrombosis. She weathered that illness. The three in the family were working to get Valdis to America, too. Then, in mid-January, Mrs. Mikelsons felt a pain in her chest. A routine examination brought the news—cancer. So serious, so advanced, there was little to do but wait for the end.

A cablegram went to Bonn, Germany, where Valdis was studying mechanical engineering and mathematics. His mother was dying. Could he not find a compassionate consul and explain why a trip was so essential?

February 25 Konstance died. Her son was still frantically trying to get permission to fly to her bedside.

"We'll give you a 6-month visitor's permit, but I want your word of honor you'll be back here in Germany in 3 months," said the United States consular service man. Valdis promised.

He arrived in time to attend his mother's funeral and the burial of her ashes in Lakewood Cemetery, Minneapolis. Father, son, and daughter were held in the close bond of mutual sorrow.

But now what?

The application to come to America permanently has been superseded by this emergency trip—with the promise to return in 3 months. Must Valdis return, only to try to start the cumbersome machinery again? Or could, somehow, a way be found for him to stay? He has appealed to Senator Edward J. Thye (Republican, Minnesota) for help.

"I am in good health," says Valdis. "The authorities at New York looked at my X-rays, just taken. They admitted me to the country. I would hope to be able to stay with my father and my sister and to become a citizen of the country they already love so much."

Can he?

Wire just received from Thye reads:

"Shall be happy to do everything I can. If administrative relief is not possible I shall introduce private bill in his behalf on basis your belief in worthiness of this young man and his family."

Maybe we can write the right ending to this story before long.

ST. PAUL, MINN., *March 7, 1955.*

Hon. EDWARD J. THYE,
United States Senator, United States Senate,
Washington, D. C.

MY DEAR SENATOR: Mr. George Grim, Minneapolis, Minn., upon receipt of your wire, advised me to furnish the following information concerning the immigration of my son Valdis Mikelsons.

1. I, Reinholds Mikelsons (father, together with my daughter Ilze Mikelsons, applied for permanent immigration visas under the Displaced Persons Act, at transit camp for immigrants to United States of America, Wentorf near Hamburg, Germany, on May 1950. I, R. Mikelsons, and my daughter, I. Mikelsons, were admitted to the United States of America on June 9, 1950. The number of my alien registration card is A 7492723 (525731). The number of my daughter's alien registration card is A 7492724 (525732). My wife Konstance Mikelsons (deceased) applied for permanent resident's immigration visa, under the Displaced Persons' Act, on July 1951 and was admitted to the United States of America on August 3, 1951 (alien registration No. 8072759 (1071737).

2. My son Valdis Mikelsons applied for permanent resident's immigration visa to the United States of America under the Refugee Relief Act of September 1954 at consulate general, United States of America, Frankfurt am Main, Germany. This application had to be canceled when Valdis Mikelsons applied for a visitor's visa on February 22, 1955, for the purpose of attending his mother's Konstance Mikelsons funeral. His visitor's visa was issued by consular section, United States Mission, Bonn, Germany, under nonimmigrant classification, B–22, application No. 1042372, on March 1, 1955. Visa was signed by Joseph A. Lovornese.

The permanent address of my son Valdis Mikelsons during his stay in the United States of America will be 611 Ashland Avenue, St. Paul, 4, Minn., telephone No. Capital 7–4561.

I sincerely hope that the above furnished data will be sufficient.

Dear Senator, I pray that the Almighty may guide you in your work which you are doing to help your fellow men. I also pray and hope that the Government of the United States of America will not refuse to take the necessary steps in order to unite a family.

I also want to thank you for taking action in this particular case and hope that on part of the authorities deep understanding will prevail in handling this case.

In deepest gratitude I am, my dear Senator,

Very sincerely yours,

REINHOLDS MIKELSONS.

PEOPLES HIGHLAND PARK CHURCH,
St. Paul, Minn., March 21, 1955.

Re Valdis Mikelsons

Hon. EDWARD J. THYE,
United States Senate, Washington, D. C.

DEAR SENATOR: We were extremely pleased to hear that you have instituted a bill in the United States Senate for the admittance of Valdis Mikelsons into the United States of America on a permanent basis and particularly, since the Peoples Highland Park Church of St. Paul, Minn., was the sponsoring agency for this family at the time Reinholds and Ilse Mikelsons, and later Mrs. Konstance Mikelsons, were admitted under the Displaced Persons Act. It was unfortunate that Valdis was unable to enter this country at the same time due to ill health, as proper application was made for the entire family.

It is, therefore, our earnest hope and desire that your colleagues will see fit to pass your bill so that it will not be necessary for Valdis to return to Germany and again file for admittance under the Immigration Act.

Your efforts in behalf of this worthy family is greatly appreciated by your constituents in St. Paul and Minneapolis.

Sincerely,

W. F. T. GREAVES,
Chairman, Displaced Persons Committee.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1474), as amended, should be enacted.

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84TH CONGRESS, 1st Session — SENATE — REPORT No. 996

DORIN URSULESKU BARON

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1493]

The Committee on the Judiciary, to which was referred the bill (S. 1493) for the relief of Dorin Ursulesku Baron, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Dorin Ursulesku Baron. From and after the date of enactment of this Act, the said Dorin Ursulesku Baron shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of Dorin Ursulesku Baron and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based. The bill has been amended to provide for the cancellation of the outstanding deportation proceedings rather than to grant the beneficiary permanent residence, since he was previously lawfully admitted to the United States for permanent residence.

STATEMENT OF FACTS

The beneficiary of the bill is a 53-year-old native of Yugoslavia and naturalized citizen of Canada. His wife is a lawful resident of the United States and they reside in Dearborn, Mich., where the beneficiary is employed by the Fort Motor Co. He last entered the United States on May 10, 1954, at Detroit, Mich., after a short visit to Canada. He had previously been admitted for permanent residence as a first preference quota immigrant on July 14, 1953. He has been found deportable as one convicted of a crime involving moral turpitude prior to entry and as a person previously deported. He was convicted in Canada on May 17, 1946, for two offenses involving the receipt of unemployment insurance to which he was not entitled. The beneficiary claims to have first entered the United States in 1906 and returned to Yugoslavia in 1913. In 1928 he attempted to enter the United States from Canada without inspection and was deported to Yugoslavia. He returned to Canada and was naturalized there in 1936.

A letter, with attached memorandum, dated June 28, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 28, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1493) for the relief of Dorin Ursulesku Baron, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

Mr. Baron is chargeable to the quota for Yugoslavia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DORIN URSULESKU BARON, BENEFICIARY OF S. 1493.

Dorin Ursulesku Baron, a native of Yugoslavia and a naturalized citizen of Canada, was born October 3, 1901. Since 1919, he has been married to Soruika Mayda, a native of Yugoslavia and a citizen of Canada, who is now a legal resident of the United States. The couple have two children, both of whom are citizens of Canada and have reached maturity. Their son resides in Windsor, Canada, and their daughter is residing in Dearborn, Mich.

The beneficiary resides with his wife at 5152 Chase Road, Dearborn, Mich., and is employed as a toolmaker by the Chrysler Motor Co. in Detroit, Mich. He has a $6,000 equity in a house which is valued at $18,000 and has cash assets of $2,000. Mr. Baron has a high-school education, and is an experienced toolmaker.

The beneficiary last entered the United States at Detroit, Mich., on May 10, 1954, when he was returning to his home after a short visit to Canada. He had previously been admitted to the United States at Detroit, Mich., on July 14, 1953, for permanent residence. A warrant for the arrest of Mr. Baron was issued on August 13, 1954, charging that at the time of his last entry, he was excludable from the United States as a person who had been convicted of a crime involving moral turpitude, and as a person who had previously been deported

from the United States. On December 8, 1954, he was accorded a hearing and found to be subject to deportation on the charges stated in the warrant of arrest. Voluntary departure was authorized, and on February 23, 1955, the Board of Immigration Appeals dismissed his appeal.

Mr. Baron claims to have first entered the United States with his parents in 1906, and then to have returned to Yugoslavia in 1913. In 1928, he was apprehended by officers of this Service at Detroit, Mich., as he attempted to enter without inspection. He was deported to Yugoslavia on August 31, 1928. In 1930, he went to Canada and resided there until his entry to the United States in 1953. He became a naturalized citizen of Canada on April 15, 1936. The beneficiary was convicted on May 17, 1946, in Windsor, Ontario, Canada, for two offenses in violation of the Canadian Unemployment Insurance Act. On two occasions, Mr. Baron had drawn unemployment insurance while he was actually employed, and as a result of his conviction, he was sentenced to serve 10 days' imprisonment.

In his preliminary application for a visa filed at the American consulate at Windsor, Canada, in 1951, the beneficiary indicated that he had been arrested for accepting unemployment insurance while doing temporary work. It does not appear from the record that the beneficiary made any deliberate misrepresentations to the American consul when he obtained his immigrant visa in 1953.

Mr. Baron served in the Yugoslavian Army from 1923 to 1924. He has never served in the Armed Forces of the United States and has not registered under the Universal Military Training and Service Act.

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES OF ROSIN & KOBEL,
DETROIT, *February 28, 1955.*

Mr. DAVID CONNERY,
Administrative Assistant to Senator McNamara,
Senate Office Building, Washington, D. C.

DEAR DAVE: When I was in Washington January 17, I may have mentioned to you that if I received an adverse decision in a case which I was going to argue before the Board of Immigration Appeals, I might have to call upon your office for special interest in the case of my client.

The decision has been adverse, although I believe the Board was somewhat reluctant in finding it necessary to come to such decision.

Be that as it may, however, I feel that the case is so strong from a humanitarian point of view that it is a situation in which the Senator and you may be interested and anxious to introduce and pursue a private bill for the relief of a client.

I do not want to review the entire case in this letter as it is somewhat involved. A copy of my brief to the Board and a copy of its decision are enclosed. In order to fill in, however, an outline would seem to be in order.

Dorin Ursulesku Baron, a native of Yugoslavia, lived in this country as a child with his parents. While still a child, he returned to Yugoslavia with his family. Later, he came to Canada and on an attempt to enter the United States in 1928, was apprehended while crossing the Detroit River in a rowboat and was sent back to Yugoslavia.

He again returned to Canada, became a citizen of Canada, had two children born there, and established an enviable reputation for honesty, decency, and respectability. His son wanted to enlist in the Canadian Forces while under age, and Mr. Baron gave his consent. The boy served honorably. His daughter married and lawfully resides in the United States.

Mr. Baron had tried for years to obtain an immigration visa and had advised the American consular officials of his 1928 deportation. In 1946 he discovered that for a period of time he had been receiving unemployment insurance benefits in Canada which were technically not payable to him and, upon disclosure by him to the officials and offer of payment by him, he was prosecuted under section 67 of the Canadian Unemployment Insurance Act, pleaded guilty, and was sentenced to 10 days.

Since more than 1 week was involved, he had separate charges for the weeks. This was fully disclosed to the consular officials before he obtained his visa.

In 1953, the Ford Motor Co. petitioned for first preference under the quota, the petition was granted, and Mr. Baron obtained a visa with his wife. He then sold his home in Canada, purchased one in this area, and has continued to maintain his family in respect and decency.

The Board of Immigration Appeals passed over the comparatively incidental question of whether he could now be given permission to reapply after deporta-

tion, feeling that the major question was whether the convictions precluded entry in any event. Notwithstanding my arguments that it may not involve moral turpitude, that there was only "one offense," and that to some degree the fault was that of the Government rather than that of the applicant, the Board felt that it was constrained to deny our appeal.

This leaves Mr. Baron with the necessity of leaving the United States, notwithstanding the continued right of his wife to reside here, his continued valuable employment and contribution to the economy of the United States, the full disclosure of his situation prior to his being granted permission to live in the United States, and the evidenced patriotism and loyalty to our way of life.

Such hardship, I feel, should not be imposed and I think you will agree with me.

Consequently, I urge that you discuss this problem with the Senator with a view to introduction of a private bill to adjust Mr. Baron's status and request immediately of the Department of Justice that the time in which voluntary departure may be exercised be held in abeyance pending congressional consideration of the proposed legislation.

Since a time will be set shortly in the administrative process as a deadline for departure, it is important that we know whether you are in a position to be of help.

Mr. Baron's immigration file number is A–8511449.

Please let me hear from you at your earliest opportunity.

Sincerely,

DAVID I. ROSIN.

PAROCHIA ORTODOXA ROMANA,
POGORIREA DUHULUI IFANT,
"THE ADVENT OF THE HOLY GHOST" CHURCH,
Detroit 14, Mich., April 2, 1955.

Senator PATRICK MCNAMARA,
Senate Building,
Washington, D. C.

Mr. Dorin Ursulescu Baron, residing at 5152 Chase Road in Dearborn, Mich., is a member in good standing of our parish, from the time he has come into United States.

I have known Mr. Ursulescu Baron, personally, since 7 to 8 years, and know him to be a man of good character, a good Christian, also very conscientious. He along with his fine family are very well liked by all who know them.

His uncle, Ilie Ursulescu Baron, who died about 7 years ago, served our church as cantor, for more than 35 years.

All the members of our congregation know Mr. Baron, and, I am sure, they will have only nice words to say about him. He is also a very regular church attendant.

I am glad to refer him to your honor, as well as to the Immigration authorities, and I know that in case he will be granted to become a citizen of the United States, he will be a good one.

Respectfully yours,

VASILE CRAINA,
President of the Board of Directors.
Father ALEXANDRU CUCU.

APRIL 2, 1955.

Senator P. V. MCNAMARA,
United States Senate,
Washington, D. C.

DEAR SIR: I have known Mr. Dorin U. Baron for the past 20 years and in my opinion, he is a man of good character, honest, trustworthy and reliable. I believe that Mr. Baron would make a very good citizen.

I have been a citizen myself for the past 17 years and am, at present, in the grocery and meat business.

Hoping you can be of help to this man as I believe he is worthy of citizenship.

Yours very truly,

THEODORE MARION.

Senator PATRICK V. MCNAMARA,
United States Senate, Washington, D. C.

DEAR SIR: It is my pleasure to write you about the matter concerning Mr. Dorin U. Baron. We feel we are doing something great, to help this fine gentleman. We should feel proud to have him here. He has a fine character. He is honest and hard working and keeps his home up well. We have been neighbors for the past 2 years. We find he will do for others what is asked of him.

I am a veteran of World War II and I work at Timken Axles Co., of Detroit. I have been an employee there for 14 years. So it has been my honor to write you about Mr. Dorin U. Baron, and tell you what an outstanding citizen he has been for our country. We his neighbors like him very much. Thank you.

Sincerely yours,

Mr. LEO KABAT.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1493), as amended, should be enacted.

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Calendar No. 1004

84TH CONGRESS } SENATE { REPORT
1st Session } { No. 997

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HILDE SCHILLER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1615]

The Committee on the Judiciary, to which was referred the bill (S. 1615) for the relief of Hilde Schiller having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 3, following the number "(9)", strike the word "and"; in line 4 strike the number "(10)".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces. The bill has been amended to strike paragraph (10) because it is unnecessary.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Germany who is married to a United States citizen member of our Armed Forces now stationed at Aberdeen Proving Ground, Md. She has never been in the United States. The couple were married in Hamburg, Germany, in 1953 and are the parents of a child who lives with the mother. The beneficiary was convicted in 1946 of taking an assumed name after the war in order to avoid possible prosecution for her Nazi Party activities. A carnvial offered her a job, then falsely accused her of stealing the money he had previously paid her as wages. She was also convicted in 1952 for pawning a coat which

she had purchased on the installment plan. When she lost her job she became hungry and desperate and needed the money.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 20, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1615) for the relief of Hilde Schiller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Baltimore, Md., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) and (10) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have been convicted of two or more offenses for which the aggregate sentences actually imposed were 5 years or more and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that the exemption from the excluding provisions of the Immigration and Nationality Act shall apply only to grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the enactment of this act.

As the spouse of a United States citizen, the beneficiary would be entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HILDE SCHILLER, BENEFICIARY OF S. 1615

Information concerning the beneficiary was furnished by her husband, Pvt. Charles Joseph Schiller, who is a member of the United States Army stationed at the Aberdeen Proving Gound, Md.

The beneficiary was born in Hamburg, Germany, on July 2, 1923. She was a nurse's aid and attended school in Germany for 10 years. She has never been in the United States. Her parents reside in Germany. She married Pvt. Charles Joseph Schiller on August 15, 1953, at Hamburg, Germany. One child, Cynthia, was born to this couple on December 12, 1953, at Hamburg, Germany. The beneficiary presently resides with her child at Bottcherkanz, 131, Luruy, Hamburg, Germany. She is unemployed and is supported by her husband.

Pvt. Charles Joseph Schiller was born at Brooklyn, N. Y., on December 30, 1921. He served as a member of the United States Armed Forces from September 1939 to October 1945. From 1946 to 1947 he was employed at the St. Albans Naval Hospital, Long Island, N. Y., as a porter at a salary of $2,184 per year. He reenlisted in the United States Army in January 1948. While serving in Germany, he met the beneficiary. He was discharged in February 1953 and returned to Germany in August 1953, at which time he married the beneficiary. He returned to the United States and again enlisted in the United States Army on November 20, 1954. He is presently serving as a private at the Aberdeen Proving Ground, Md.

Pvt. Charles Joseph Schiller states that the beneficiary was a political prisoner of the British authorities and although he was not certain of the charge lodged against her, he believes it was because she was associated with the German Storm Troopers.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

A letter dated June 2, 1954, to Senator Lehman from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D. C., June 2, 1954.

Hon. HERBERT H. LEHMAN,
United States Senate.
(Attention of Miss Schneider.)

DEAR SENATOR LEHMAN: Reference is made to my letter of May 14, 1954, relative to the case of Mrs. Hilde Schiller.

A communication dated May 19, 1954, from the American consulate general at Hamburg reports that the court records concerning Mrs. Schiller's convictions have been requested, but have not yet been received. According to excerpts from the report of the German state's attorney, Mrs. Schiller was convicted as follows:

(1) Amtsgericht Heide, October 23, 1946; because of continued, indirect, false documentary authentication; because of continued use of an untrue public document and because of embezzlement; under paragraphs 271, 272, 246, 73 and 74 of the German Criminal Code; Sentence: 4 months' imprisonment, including 3 weeks' arrest during investigation.

(2) Amtsgericht Speyer, August 2, 1952; because of embezzlement; under paragraph 246 of the German Criminal Code; Sentence: 100-deutschemark fine or 20 days' imprisonment.

The crime of embezzlement has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Schiller.

Sincerely yours,

EDWARD S. MANEY, *Director, Visa Office.*

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

AFFIDAVIT

I, Charles J. Schiller, enlisted private, first class, 20262243, in the United States Army and presently with the TSU, ORTC 7399 at the Aberdeen Proving Ground in Maryland, herewith respectfully seek relief through the United States Senate Judiciary Committee to review my case and pass private legislation to bring my wife and infant daughter to the United States of America. I depose and state that—

1. I married Hilde Hein who is presently residing in Hamburg-Luruz, Stueckweg, c/o Mutling, on August 15, 1953, in Hamburg, Germany. She is a German citizen and was born on July 2, 1923, in Hamburg-Altona. I completely support my wife and daughter Cynthia who was born on December 12, 1953, in Hamburg, Germany.

2. The petition for preference immigration visa for my wife, Hilde Schiller, nee Hein, was approved VP 3-38967 and forwarded to the Department of State for transmission to the American consul in Hamburg according to a letter dated October 13, 1953, from the Immigration and Naturalization Service.

3. Hilde Schiller was subsequently denied a United States visa on the grounds that she had been convicted and found guilty of an offense in postwar Germany. As a member of the SS she was taken into custody at the close of the war and assumed another name to avoid embarrassing publicity and involving her parents unnecessarily in a distasteful affair. When this was discovered she was found guilty of perjury and given 4 months' prison. Only her deep concern and loving anxiety for her family brought this about.

4. Hilde Schiller loves and admires the country of my birth, and it is our sincerest and deepest wish that our child Cynthia be brought up as an American, an American among American institutions, American thought, and American culture. However, I cannot ask my wife and the mother of my child to give up our daughter. The separation of mother from infant would be too great a hardship and too detrimental to the welfare of the child. A child needs the loving care of its natural mother for physical and mental well-being and normal, healthy development.

5. Hilde Schiller does not belong to nor does she endorse any organization which might be interpreted or alleged to be injurious to the American public interest.

6. I most humbly and respectfully ask the United States Senate Judiciary Committee to grant me private legislation so that our family group will not be destroyed and that I will have a daughter and my child a mother.

7. I am a veteran of the United States Army and my service record is as follows:

(*a*) I enlisted into the United States Army at the age of 17 years on March 20, 1939, and went into active service on September 16, 1940.

(*b*) On November 26, 1943, I left the United States for the Canal Zone and served in the Canal Zone until my return to the United States on October 5, 1945. I was honorably discharged on October 12, 1945, from Fort Dix, N. J., with the rating of corporal.

(*c*) In 1947 I reenlisted in the United States Army for another 5 years and saw active service on January 8, 1948. I was sent to Okinawa for a period of about 14 months and then spent 18 months in Germany.

(*d*) On February 28, 1953, I received an honorable discharge at Camp Kilmer, N. J.

(*e*) I reenlisted into the United States Army on November 28, 1953.

(*f*) I am a holder of the American Defense Service Medal, the American Service Medal, the Good Conduct Medal and the Occupation Medal (Germany).

CHARLES J. SCHILLER.

Subscribed and sworn to before me at Headquarters, Aberdeen-Proving Ground, Md., this 22d day of March 1954.

LOUIS A. BRIZZOLARA,
Assistant Adjutant.

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington 5, D. C., February 17, 1955.

Senator HERBERT H. LEHMAN,
Senate Office Building,
The Capitol, Washington, D. C.

DEAR SENATOR LEHMAN: Having been informed by Pvt. Charles J. Schiller, now serving with the United States Army at the Aberdeen Proving Ground, Md., relative to the difficulty he is having in bringing his wife and child to the United States from Germany, and, after having discussed the case with Mrs. Ruth Schneider of your office, we are providing herein such facts as contained in our file which dates from June 1, 1954, when we were first informed of this young man's trouble.

It seems that his wife, Mrs. Hilde Schiller, with address Luruy-Hamburg, Stuckweg 17, Germany, has been refused a visa by the American consul based on convictions of embezzlement. Due to the fact that two separate offences were involved, the wife cannot benefit by the relief granted under Public Law 770 of the 83d Congress.

The situation has been discussed, with the American consul by our representative in Hamburg, but he finds that the consul is not able to act because of the 2 convictions, 1 on October 23, 1946, and the other on August 2, 1952. The second conviction is said to have been without a court hearing and thus has brought some doubt as to the seriousness of the offense. The first offense relates to the purchase of a fur coat on credit for which Mrs. Schiller deposited DM90. Having pawned the coat, because she needed money, she was notified of the court decision a month later and fined. Under the conditions existing in Germany in 1946, one can readily understand how a person, living under distressing circumstances, might have engaged in such an unethical practice and the fact that there was a 6-year interval between the 2 offenses, certainly is evidence that she was not addicted to committing civil offenses.

Our relations with the husband have enlisted our deep sympathy, and we welcome this opportunity of recommending the introduction of a private bill. His returning to Germany in August 1953, in order to marry his wife who was then pregnant, is definitely a proof of his attachment to the mother of his child and his responsibility to both her and his expected offspring. He readily admits his guilty association before the marriage, this again being a proof of his character and appreciation of the moral aspect of the case. All of those, to whom we have referred for information and action, have a deep sympathy in the case and are hoping that the family may soon be reunited in the United States, this, of course, only to become possible through the passage of private legislation.

Hoping that our letter will be somewhat helpful and that you will find it possible to introduce a measure that will solve the difficulty, I remain, with sentiments of esteem and good wishes,

Very respectfully yours,

BRUCE M. MOHLER,
Director, Department of Immigration.

[Translation (German)]

PINNEBERG/H., *February 2, 1954.*

DEAR SENATOR LEHMAN: Dispensing with all formalities, a German mother is asking you to do her a favor.

Please help my daughter Hilde, who married an American soldier, Charles Schiller, 6 months ago and who has a baby from him, so that she may join her husband in America and get her visa. My daughter had a very difficult time when she gave birth to her child, and is suffering terribly due to the separation from her husband. She is mentally depressed and will become seriously ill unless circumstances change soon. Since I lost my beautiful apartment during the war, in 1943, and now only have a tiny room here at Pinneberg, I am unfortunately in no position of taking in my child and granddaughter. Furthermore, I am all alone and have been unemployed for the past 4 years, and I must live on a weekly relief payment of DM11.10 plus rental allowance. I don't know, dear Mr. Senator, if you realize what that means for a person here in Germany. Thus, I can do only very little for my daughter and her child, who are forced to live with strangers in Hamburg-Lurrup in a tiny garret, which is drafty and unhealthy and which is, besides, used by the owners [of the place] as a living room, where they smoke and nobody takes little Zinthia['s health] into consideration. My daughter, in good faith that she would soon be able to go to America to join her husband, has sent her clothes to her parents-in-law in Brooklyn, and now she doesn't know what to do [about clothes]. It hurts me, as her mother, to see her pining away—my daughter who has always been so smart and intelligent—and being eaten up by grief, inasmuch as her parents-in-law in Brooklyn are well off and would receive her and her child with open arms, and then all her troubles would be over. My son-in-law, too, suffers immeasurably because of his separation from his wife and child, since the young couple have a great affection for one another and their only wish is that they can be together. My daughter Hilde has good principles and is intelligent, and, after all, she did not commit a serious crime which would exclude her from America [forever].

Dear Mr. Senator, I am confidently looking forward to your favorable consideration and beg you, in the interest of my child, to please help us.

Very sincerely yours,

Mrs. ANNE HEIN.

Translated by Elizabeth Hanunian, March 21, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1615), as amended, should be enacted.

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Calendar No. 1005

84TH CONGRESS, 1st Session — SENATE — REPORT No. 998

ROSA BIRGER

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1974]

The Committee on the Judiciary, to which was referred the bill (S. 1974) for the relief of Rosa Birger having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, following the word "Act", change the period to a comma and insert the following:

under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing relating to one who is afflicted with tuberculosis and to one who has sought to obtain a visa by misrepresentation in behalf of the wife of a legal resident alien of the United States. The bill has been amended to provide for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Lithuania who presently resides in Rome, Italy. Her husband, orphaned niece, and two children are lawful resident aliens of the United States and reside in Chicago, Ill. The beneficiary was denied a visa as one afflicted with tuberculosis and was also found to be excludible as a result of her attempted fraud in presenting chest X-

rays of another person to the American consul. Without the waivers provided for in the bill, she will be unable to enter the United States to join her family.

A letter, with attached memorandum, dated July 7, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1974) for the relief of Rosa Birger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form and aliens who seek to procure, or have sought to procure, or have procured a visa or other documentation, or seek to enter the United States by fraud, or by willfully misrepresenting a material fact, and would permit her admission to the United States for permanent residence if she is found to be otherwise admissible. The bill also provides that these exemptions shall apply only to grounds for exclusion known to the Secretary of State or the Attorney General prior to the enactment of this act.

Sincerely,

———— ————. *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSA BIRGER, BENEFICIARY OF S. 1974

The beneficiary, Rosa Birger, a native and citizen of Lithuania, was born on December 28, 1922. She is married, has two children, and is presently residing in Grottaferata, Rome, Italy.

Mrs. Birger has had the equivalent of a high-school education. She is unemployed and is being supported by the International Red Cross and the American Joint Distribution Committee. She apparently has no relatives abroad and, other than her husband and children, only a few cousins in the United States.

The beneficiary has never been in the United States. She was issued an immigrant visa in 1948 but did not elect to come to the United States at that time for the reason that her child and orphaned niece, whom the Birgers have been caring for, had not received immigrant visas. Following the birth of her second child, her children and niece entered the United States to join the beneficiary's husband, but she was denied a visa by the American consul in Naples, Italy, as one afflicted with tuberculosis. She was also found to be excludable as a result of her attempted fraud in presenting chest X-rays of another person to the American consul. The committee may desire to make inquiry of the visa office of the Department of State for further information in this connection.

The foregoing information was furnished by Daniel Birger, husband of the beneficiary and sponsor of the bill. Mr. Birger resides with their two children and niece at 1343 South Kolin Avenue, Chicago, Ill. All are lawful resident aliens. He is employed as a carpenter at a salary of $120 per week and has assets consisting of about $750 savings and personal property valued at about $700.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D. C., July 12, 1955.

Re S. 1974, Rosa Birger.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR KILGORE: In the hope that it will be of aid to the Committee on the Judiciary in its consideration of the above-named bill, I am taking the liberty of submitting the attached information.

The beneficiary of S. 1974, Mrs. Rosa Birger, originally applied along with the other members of her family for immigrant visas in 1946, under the provisions of the Displaced Persons Act. In October 1948 visas were issued to Mrs. Birger, her husband, Daniel Birger, and their minor son, Meyer Birger. However, Mrs. Birger's orphaned niece, a minor, who made her home with the Birger family, did not receive a visa and it was decided that Mrs. Birger would remain in Italy until the niece received a visa. Mr. Birger came to the United States in January 1949, leaving in Italy his wife and son, together with the niece. At first it was thought that Mrs. Birger would be granted an extension of her visa, but that did not materialize and she could not join her husband in the United States.

In 1950 Mrs. Birger was given another physical examination and was refused an immigration visa because of tuberculosis. Arrangements were made for her to have additional X-rays at regular intervals and on one of these occasions a friend went in her place for the X-ray. Naturally the X-ray plate of the friend was obviously different from the X-ray taken of Mrs. Birger when she was issued a visa under the Displaced Persons Act.

Later, in 1953, Mrs. Birger was given a medical clearance and called into the consulate to make a new visa application. At that time she was requested to make a statement concerning the X-ray substitution. It was determined by the consul general at Naples that Mrs. Birger was ineligible to receive a visa and, further, that she was excludable from admission into the United States under section 212 (a) (19) of the Immigration and Nationality Act.

In 1954 Mr. Birger reentered the United States and brought his son, Mrs. Birger's niece (who was then their adopted daughter), and another son, an infant who was born to Mr. and Mrs. Birger in 1952. Mr. Birger is steadily employed and is attempting to care for the three children who desperately need their mother.

Of course I do not condone Mrs. Birger's action in attempting to substitute the X-ray of another person for her own. But I am sure your committee will agree with me in thinking that this action was done at a time when Mrs. Birger was deeply discouraged after so many disappointments and in her anxiety to join her husband and children. Her fear that her own X-ray would cause her to be found ineligible for a visa is understandable.

I sincerely believe this is a meritorious bill and hope that your committee will find it possible to favorably report S. 1974 so that this family can be reunited.

With kind regards,
Sincerely yours,

PAUL H. DOUGLAS.

STATEMENT OF MR. DANIEL BIRGER

(Taken at 134 North La Salle Street, room 918, Chicago, Ill., on Monday, the 3d day of May, 1954, at about the hour of 10:15 o'clock a. m.)

Mr. BIRGER. I will start in 1946, after the war. I was a DP in Italy at the Santa Maria Di Leuca Camp, Camp Director J. F. Pringle, with my family. My family at that time was myself, Daniel Birger; my wife, Rosa Birger; and my wife's niece by the name of Taub, Shulinka, who was without father or mother, killed during the war. Then my son Meyer Birger was there born May 15, 1946.

Then my wife's uncle by the name of Louis Rosan, who was living in Chicago, Ill., on University Avenue, 5117, I think, he made out the affidavit for all of us to come to the United States. In 1946 we started working on our immigrating to the United States, and 2 years later from consul in Naples on October 4, 1948, we received visa No. 2214 to come into the United States for myself, Daniel Birger, No. 2215 for my wife, Rosa Birger, and No. 2216 for my son, Meyer Birger, but we didn't receiva a visa for Taub, Shulinka, an orphan, and there was the problem what we were supposed to do with the child.

Then we decided among us that not my wife to go to the United States with her visa, but to wait for the little child until she got a visa under displacement quota per regulations.

Then we made up our minds that I go first to the United States because I'd be able to make a living here, and make a home, and later my wife, Rosa, and Shulinka come here, and I will have a home for all of them.

I came into the United States January 31, 1949, the first time under Russian quota as displacement, then I lost my original GPO card. I left my wife with a visa at that time in Bari, Italy, to wait for her (Shulinka) visa, who was supposed to get a visa under her original name. Then the consul in Italy, or the secretary, she said they will extend my wife's visa. Before the visa expired my wife went to the United States consul for to extend the visa. They made everything ready to extend the visa in Italy for my wife and my son, but at the last moment they said they cannot extend the visa because she got now a different quota, and they changed her, and said have to wait for the Lithuanian quota. After that she was waiting for the displaced person bill and they didn't extend her visa. As she was waiting for the displaced persons bill, there she was the first time held for medical tests for 3 months. That was in 1950.

Previous to this incident, in 1949, when my wife was supposed to have extended the visa, they said if I would be there she could have extension on the visa under the Russian quota. For that reason I went back there in 1950.

In the meantime when I was planning to have their attention called, the DP bill was opened. Then my wife registered under the DP bill then and she could possibly go under this one. She was held there for medical tests to qualify for the DP bill, and at that time I came into Italy to assist my wife in qualifying to come to the United States.

I came there in Italy, and I asked the United States consul for the old visa No. 2250. The consul told me she can have the visa, and so long as I am there, and he gave a letter to make X-ray of her. My wife was on her way to go to the hospital to make the X-ray, and a friend of hers, who was formerly with her in a DP camp, met her in Italy, and they started to talk generally, and then she said, "Where are you going Rosa," and my wife said, "To make X-ray for medical tests," and then my wife said, "I don't know if I have trouble held up for bill, and they make new X-ray," and then the friend said, "I will make X-ray for you, then you will be O. K."

Everybody wants to have a visa for the United States, and in my case my wife wanted to come to me. Her friend made the X-ray for my wife in place of my wife, and my wife go direct down and accepted the offer. A month or 2 months later she was called to make another X-ray for the United States consul. I and my wife was to the consul, and we explained to him when she makes new X-ray, and told the consul that we gave 2 months before was not my wife's X-ray. The consul went into the doctor, and they had conference, maybe an hour, and later the consul came out and said if my wife wanted to make another X-ray. We explained that the new X-ray will not be like the old one, because this one is not my wife's X-ray. Then they held her for a year to be examined during the year later for that present illness.

At that time they gave me a visa for my niece, Shulinka Taub, to come to the United States in 1950, and I arrived with my niece Shulinka Taub on October 1, 1950, under GPO A–786–9119 on a reentry permit for the United States. And consul in Italy, Mr. Jacyne, told me a year from now she will be reexamined again, and if she be O. K. in years time by having every 3 months after an X-ray test, and if in a year she passes, they will give her a visa. I left with Shulinka Taub (Shulinka Birger) and left my wife there.

Then I came back here, and I started for myself to see if my wife is sick, or she is not sick, and I brought from Italy reproduction of the X-rays of my wife taken in Italy for a reexamination, to check over, and if she has any of the ailments therein to give me some medicine for her, to send to her, because I wanted to be convinced, and to make her well, because she was held for medical, and as the doctors in Chicago, Ill., said, the X-ray showed she was not sick. I have marked here as "Exhibits 1 and 2," said letters. (See exhibits Nos. 1 and 2.) And also a letter from Detroit as a checkup again on the plates, and they say the same thing. (See exhibit No. 3.) The X-rays as I understand it were clear as shown by the doctors.

Also I have translation of three letters dated in Italy November 9, 1950, June 19, 1950, and December 10, 1952, marked "Exhibits Nos. 4, 5, and 6." (See exhibits Nos. 4, 5, 6.) The Health Department from the United States said that she is afflicted with TB. I got letter when I have something to send in behalf

of my wife and she is not sick in the future, to give the case further consideration. (See exhibit No. 7.)

Mr. Jack Levenson, the cousin here in the United States, received a letter from the American consulate general, dated February 8, 1952, about the refusal of the visa, as is shown in exhibit No. 8. (See exhibit No. 8.) From that time my wife made X-rays every 3 months per their request until 1953, and in 1953 assisted by the American joint distribution, and by interest of the Internation Red Cross, my wife was informed that the American joint distribution who are interested in her immigration case, that in the beginning of July 1953 the general United States Health Department found out from Paris, which is for Europe, gave and received a medical O. K. on my wife, and a little later, on 28th or 29th of July, my wife was called by the consul to make application for visa. She made an application for a visa again, and she was sure she was going to receive the visa.

Then the wife, consul told her, she is to make a statement regarding the substitution of X-rays in 1950. (See exhibit No. 9.) After this time she was examined at all times on her own X-rays from 1951 to 1953, when she was found O. K., contrary to statement shows here she was refused as the DP Commission August 15, 1950, which is marked "exhibit No. 10." (See exhibit No. 10.)

In 1952, I, Daniel Birger, and now my daughter Shulinka Taub, went back to Italy to assist my wife and my son, and with Shulinka Taub to come to the United States. After that my wife was refused visa, and on September 5, 1953, I made application for my two sons, Meyer Birger and Henry Birger (born while I was there) to bring them to the United States, and I got an O. K. for them, and I arrived with my sons and Shulinka Taub by myself as stepfather, and I arrived here on reentry April 22, 1954.

Now I am asking for a reexamination of my wife's application to bring her to the United States. It is a hardship for me to take care of the children because the children need the mother, the youngest boy being 10 months old at the present time. My wife has made a like request in Italy to the American general consul, Naples, Italy, under date of August 6, 1953, as shown in copy as exhibit No. 11. (See exhibit No. 11.) Also see the letter from the consulate general to Dr. Henry Small in Detroit, Mich., regarding reexamination of her case should medical clearance be granted further permit, and sympathetic attention will be given to her visa. It is marked "Exhibit No. 12." (See Exhibit No. 12.)

I am also enclosing recent family photo taken in Italy, which is marked "Exhibit No. 13." (See Exhibit No. 13.)

During my period of time here I have been steadily employed as a union carpenter, and I worked for Myman Holzman, Karlov Avenue, Chicago, Ill., a contractor. I have worked for Z. Dickman, general contractor, on South Komensky Avenue, Chicago, Ill. I had worked for Philip Meister, general contractor, Chicago, Ill., and others.

My first papers were taken out on May 11, 1949, No. 211649.

SEPTEMBER 14, 1954.

To Whom It May Concern:

I wish to certify that I have known Mr. Daniel Birger for a number of years. I met him when he first came to the United States, and have been in constant touch with him since that time. I have found him to be a thoroughly upright and honest person. He deeply loves the freedom of America and the American way of life, and he is an ardent supporter of the ideals of the American form of government.

Mr. Birger has worked very hard to establish himself in this country, and has been very successful in this effort. He is a hard-working man who has mastered a trade, and is, in my opinion, a real asset to our country. I know that he, his wife, and children will prove to be a loyal, patriotic family.

Sincerely yours,

RABBI RALPH SIMON.

[Translation from Italian by Prof. Dott. Guisto Fegiz, Docente di Tisiologia nell 'Università Vice Direttore dell 'Istituto CARLO FORLANINI Via Cesare Balbo, 35—Roma]

ROME, *March 31, 1955.*

I certify that I have visited Mrs. Birger Rosa on behalf of whom also radiographic controls were performed.

She has never had any disturbances and has always been able to perform her domestic work.

The objective examination of the chest and of other organs was always negative. X-rays of the chest reveal only glandular calcifications in the right hylus. The results of all laboratory examinations were normal. Mrs. Birger, thus, has a healthy constitution, is fit for any work and for emigration without danger for her or for the surrounding.

Prof. GIUSTO FEGIZ.

This translation having been submitted to my perusal, I have found it faithful as regards the statements contained in the original herewith attached.

Prof. RICCARDO SELVI.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1974), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 1001

GRACE CASQUITE HWANG

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1060]

The Committee on the Judiciary, to which was referred the bill (H. R. 1060) for the relief of Grace Casquite Hwang, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon" strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Grace Casquite Hwang. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota deduction, inasmuch as the minor alien children of United States citizens normally enjoy the status of a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native of the Philippine Islands and a citizen of China, who last entered the United States on August 15, 1950, as a visitor. The father of the beneficiary entered the United States on May 16, 1947, as a student. However, his status was adjusted to that of a permanent resident and he was naturalized a citizen of the United States on August 18, 1954. The mother of the beneficiary is a lawful-resident alien. The beneficiary also has a sister who was born in this country on June 6, 1951, and is a citizen of

the United States. The father of the beneficiary is studying for his doctor of philosophy degree and is employed part time as a parasitologist at Children's Hospital in Washington, D. C.

A letter, with attached memorandum, dated July 29, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8846, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., July 29, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8846) for the relief of Grace Casquite Hwang, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GRACE CASQUITE HWANG, BENEFICIARY OF H. R. 8846

The beneficiary, Grace Casquite Hwang, is a child of 8 years of age, a native of the Philippines and a citizen of China. She is the daughter of Cirila Casquite Hwang and Joseph Cen Hwang. The beneficiary arrived in the United States on August 15, 1950, as a visitor. However, due to political upheavals in China it was impossible for her parents to return to China, consequently her father has adjusted his status as a displaced person and is presently an applicant for citizenship in Rockville County Court. Her mother's adjustment was made through suspension of deportation proceedings.

The child is solely dependent upon her parents for support. Her father has stated that he is presently studying for his doctor of philosophy degree at Maryland University and is also employed as a laboratory technician at Children's Hospital, Washington, D. C., receiving an average salary of $330 per month. The parents have assets of approximately $2,000.

Congressman DeWitt S. Hyde, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. HYDE. The father of Grace Hwang, Mr. Joseph C. Hwang, was born in China March 5, 1920, and his only entry into the United States occurred at the port of San Francisco, Calif., on May 16, 1947, as a passenger on the steamship *General W. N. Gordon*. He was admitted into the United States as a student under section 4 (e) of the Immigration Act of 1924. It was his intention to return to China when he completed his education and had received his doctor of philosophy degree.

He resided in China from the date of birth until March 1939, when he departed for the Philippine Islands under a student's visa and remained there until May 1947, when he embarked for the United States. During the period of his residence, he attended the Philippine Union College at Manila and received his B. A. degree from the college in 1941. During the period of the Pacific War, 1941–45, he remained in hiding from the Japanese and assisted the Philippine guerrilla forces as a medical aid. He was married to Miss Cirila Casquite, a native citizen of the Philippine Islands. Two children were born of this marriage. Grace Hwang, the first daughter was born at Iloilo City, Iloilo, P. I., August 18, 1946; and the second daughter, Gilda Hwang was born in Washington, D. C., on June 6, 1951.

During the period after he enter this country he was registered at Washington Missionary College at Takoma Park, Md., 1947–48, and received a B. A. degree from that institution in 1948. He was later registered at the University of Maryland in 1948 and received an M. S. degree in 1950. At present he is still pursuing the final state of his Ph. D. degree and is employed by the same institution as a graduate assistant, and also is employed as a part-time parasitologist at the Children's Hospital of Washington, D. C.

The mother of Grace Hwang entered this country on August 15, 1950, at San Francisco, Calif., under a student visa while Grace accompanied her mother to this country under a visitor's visa.

Because of Mr. Hwang's Christian faith and his anti-Communist views it was impossible to return to China. Evidences and documents submitted and collected by the Immigration Service convinced the authorities of Mr. and Mrs. Hwang's loyalty to the United States and their sincere desire for the democratic way of life and freedom. Mr. Hwang was granted the displaced person's status on August 8, 1953, and his wife was also granted a permanent residence at the same time.

On January 7, 1954, Mr. Hwang again applied for naturalization. The petition was filed formally with two citizen witnesses at Rockville Circuit Court on April 8, 1954.

The visitor visa of Grace Hwang was extended four times until October 1952, when the parents were informed that no extension would be given to Grace until their status was adjusted. Inquiries were made on April 27, 1953, also in March of 1954 in behalf of Grace.

In addition, Congressman Hyde wrote to the chairman of the Senate Committee on the Judiciary under date of June 9, 1955, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Immigration and Naturalization,
Committee on the Judiciary, United States Senate,
Washington, D. C.

DEAR MR. CHAIRMAN: With further reference to my bill for the relief of Grace Casquite Hwang (H. R. 1060), her father, Joseph Cen Hwang, became a naturalized citizen on August 18, 1954, and took his oath of citizenship at the Rockville Circuit Court.

If I can provide you with any further information, please do not hesitate to let me know.

With best regards, I am
Sincerely,

DEWITT S. HYDE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1060), as amended, should be enacted.

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Calendar No. 1009

84TH CONGRESS, 1st Session } SENATE { REPORT No. 1002

KARLIS ABELE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1301]

The Committee on the Judiciary, to which was referred the bill (H. R. 1301) for the relief of Karlis Abele, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 1, line 10, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Karlis Abele. The bill provides for the payment of the required visa fee and for the posting of a bond as a guaranty that the beneficiary will not become a public charge. The bill has been amended to delete the quota charge inasmuch as the beneficiary was in possession of a quota immigration visa issued under the Displaced Persons Act when he applied for admission to this country.

STATEMENT OF FACTS

The beneficiary of the bill is a 65-year-old native of Latvia, now stateless, who last arrived in the United States on March 1, 1952, in possession of an immigration visa issued under section 2–C of the Displaced Persons Act of 1948. He was excluded from admission to the United States by a board of special inquiry on the grounds that he was afflicted with a mental defect. He was subsequently admitted as a temporary visitor for psychiatric treatment under bond. The

beneficiary presently performs odd jobs for the Latvian Evangelical Lutheran Church of New York, for which he receives his maintenance. He is considered an industrious and dilligent man, and on the basis of psychological tests, the psychiatrist handling psychiatric screening for the dioceses of Newark and New York states that the beneficiary is free from psychotic symptoms.

A letter, with attached memorandum, dated September 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9853, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

SEPTEMBER 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9853) for the relief of Karlis Abele, there is annexed a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Latvia.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KARLIS ABELE, BENEFICIARY OF H. R. 9853

The beneficiary, Karlis Abele, born April 10, 1890, is a native of Latvia who claims to be stateless. He arrived in the United States at New York on March 1, 1952, in possession of an immigration visa issued under section 2–C of the Displaced Persons Act of 1948. He was excluded from admission to the United States by a board of special inquiry on the grounds that he was certified by the physicians of the United States Public Health Service as a person afflicted with a mental defect, namely, paranoid state On December 18, 1952, his application for admission as a temporary visitor under the ninth proviso of section 3 of the Immigration Act of 1917, as amended, was denied by the central office of this Service. On an appeal from this decision, the Board of Immigration Appeals, on April 8, 1953, ordered the beneficiary admitted under the authority contained in the ninth proviso of section 3 of the Immigration Act of 1917, as a temporary visitor for a period of 6 months for psychiatric treatment conditioned upon the filing of a public charge and medical treatment bond in the sum of $1,000. Upon the posting of the bond, the beneficiary was admitted on April 20, 1953, for a period expiring October 17, 1953. Thereafter his temporary stay was extended to April 1, 1954. On March 22, 1954, he was reexamined by officers of the United States Public Health Service and was again found to be afflicted with paranoid state. On the basis of this finding, his application for a further extension was denied.

The beneficiary graduated from elementary and high school in his native country. After his graduation from the Institute of Gymnastic Teachers, Riga, Latvia, he was employed as a teacher of physical education. He is a widower, and has no close relatives in this country or abroad. He does odd jobs for the Latvian Evangelical Lutheran Church of New York, for which he receives his maintenance.

Congressman Leo W. O'Brien, the author of the bill, submitted the following information in support of the bill:

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA,
CENTRAL DEPARTMENT OF CHURCH WORLD SERVICE,
New York, N. Y., July 6, 1954.

Hon. LEO W. O'BRIEN,
House of Representatives,
Washington, D. C.

DEAR SIR: Rev. Albert G. Ozols, assistant pastor of the First Latvian Evangelical Lutheran Church of New York, 564 Second Street, Brooklyn, N. Y., has spoken with us about the case of Karlis Abele, and has stated that Miss Irene Steinbriks, of Albany, N. Y., a relative of Mr. Abele, has asked that you introduce a private bill to admit Mr. Abele to this country for permanent residence. This organization urges that you consider introducing such special legislation.

Mr. Abele was born October 4, 1890, in Latvia. In 1944 he was displaced to Germany. Following the end of the war he lived in several displaced persons camps. He applied for admission to the United States and was issued a visa under the Displaced Persons Act of 1948, arriving in this country March 1, 1952, under the sponsorship of Church World Service. He was, however, detained on arrival and certified as mentally defective by the United States Public Health Service and therefore excludable under the immigration laws. Psychiatric examinations by Dr. Gotthard Booth, of 114 East 54th Street, New York, indicated otherwise. (See attached report of Dr. Booth dated February 21, 1953.)

During the course of his detention on Ellis Island, application was made for his temporary admission to this country for psychiatric treatment and he was finally admitted as a temporary visitor for such treatment on April 20, 1953. Since that date he has resided at the parish house of the First Latvian Evangelical Lutheran Church in Brooklyn under the supervision of the pastor. Letters from the pastor, Rev. Richard Žarins (see attached letter dated June 30, 1954) and from the assistant pastor, Rev. Albert Ozols (see attached letter dated June 30, 1954), demonstrate that Mr. Abele is a person of rational behavior and of good moral character and has adjusted satisfactorily during his period of temporary stay. This is supported by a letter, dated March 20, 1954, from the Lutheran Inner Mission Society (see attached) and a letter, dated March 17, 1954, from the Sarah J. Hale Evening Elementary School where Mr. Abele was enrolled in adult English and citizenship courses (attached).

Dr. Gotthard Booth, who had examined Mr. Abele prior to his admission as a temporary visitor, examined Mr. Abele on several occasions and found him free from any psychotic symptoms and gave the opinion that he was a normal individual. (See attached report dated October 9, 1953.) On the basis of Dr. Booth's reports this organization, in November 1953, requested that Mr. Abele be reexamined concerning his admissibility and his status changed to that of an alien admitted for permanent residence. He was subsequently examined by the United States Public Health Service about May 1954, and still found inadmissible. The Immigration and Naturalization Service in reporting this further stated that as Mr. Abele had been certified as having suffered one or more attacks of insanity, he would be forever inadmissible to the United States. Mr. Abele's latest request for extension of stay was denied and his departure ordered by June 28, 1954. He is, therefore, in an unlawful status and is subject to deportation proceedings.

We feel that the circumstances of Mr. Abele's coming to this country as a displaced person, of his classification as excludable, and of his satisfactory adjustment to community life during the period of his temporary admission are factors which merit the consideration of special legislation admitting him to this country for permanent residence.

Very truly yours,

EDWARD V. SAVAGE,
Executive Assistant, Immigration Service.

THE LATVIAN EVANGELICAL LUTHERAN CHURCH OF NEW YORK,
Brooklyn, N. Y., June 30, 1954.

To Whom It May Concern:

Mr. Karlis Abele has lived here at the parish house since April 20, 1953, and I have thus had the amplest opportunity to observe him in everyday contacts.

I can therefore without hesitation state that Mr. Karlis Abele is an honest, conscious, and intelligent person and a good man.

Since his legal status has prevented him from obtaining regular employment he has conscientiously done his best to help us around the parish house and has proved himself as an accurate and industrious worker, bent on doing even the meanest small jobs to perfection.

He has been of great help to the congregation serving voluntarily in many ways—in the library, as a file clerk, and also as a stover and handy man in the building.

After I have lived under one roof with Mr. Karlis Abele for more than a year, I can with the best of conscience, testify that this man would be able to make himself useful in any job and any walk of life he would be permitted to.

RICHARD ZARINS, *Pastor.*

THE LATVIAN EVANGELICAL LUTHERAN CHURCH OF NEW YORK,
Brooklyn, N. Y., June 30, 1954.

REFERENCE

To Whom It May Concern:

As the assistant pastor of the Latvian Evangelical Lutheran Church of New York, I have been in contact with Mr. Karlis Abele since March 1, 1952, when he was held on Ellis Island for deportation on charges of being mentally unstable.

I received about 25 references from people who had known Mr. Abele in Latvia and in Germany but were themselves resettled in the United States. They all stated that Mr. Abele would be fully capable to adjust to life in this country.

On the strength of these references I tried my best to help in Church World Service's efforts to get Mr. Abele's case reviewed and was personally often visiting him on Ellis Island.

My impression was that, in view of the mental strain a situation like his would put on anyone, Mr. Karlis Abele behaved as a well-balanced and reasonable person. I also found that the explanations he gave for the eccentricities on the ground of which he seemed to have been accused as mentally ill were fully satisfactory.

My impression that Mr. Karlis Abele is mentally fully equipped to adjust to life in the United States was further strengthened during the period since April 1953, when he was released from Ellis Island and given shelter in the parish house of our congregation.

Since then I have been able to observe Mr. Abele as an industrious and diligent man, who strives to do even the smallest chores with the highest accuracy. Since he was not permitted to seek regular employment, he has during the last year volunteered to all kinds of work in the office of our congregation and also been of great help as a maintenance man in the parish house.

The more than 2 years of close contacts with Mr. Karlis Abele have convinced me that he certainly would have no difficulty to adjust to life in the United States if given an opportunity to work regularly. I am sure he would be an industrious worker, an honest employee, and a person who would create no difficulty for his sponsors and the United States.

Respectfully,

ALBERTS G. OZOLS, *Pastor.*

THE LUTHERAN INNER MISSION SOCIETY
OF BROOKLYN AND VICINITY, INC., AND
THE LUTHERAN CHILDREN'S BUREAU,
Brooklyn, N. Y., March 20, 1954.

To Whom It May Concern:

This is to certify that Mr. Karlis Abele has been known to this agency continually as of October 20, 1953, until this day.

Mr. Abele has been seen on a weekly basis, and has been known as an intelligent, trustworthy, alert, and kind person. Any recommendation that we can give Mr. Abele to help him get the necessary chance to settle down and start the new life he so much wants and deserves in the United States will always be given with pleasure.

ESTHER RYSSDAL, *Caseworker.*

BOARD OF EDUCATION, CITY OF NEW YORK,
THE BROOKLYN HIGH SCHOOL OF WOMEN'S GARMENT TRADES,
Brooklyn, N. Y., March 17, 1954.

To Whom It May Concern:

This is to certify that Karlis Abele, 564 Second Street, Brooklyn, N. Y., has been enrolled in our classes for adults in the Sarah J. Hale Evening Elementary School since May 3, 1953, to May 28, 1953; then, again enrolled in September 1953 at which time our classes were reorganized.

We meet on Monday, Tuesday, and Wednesday evenings for 100 nights each school year. We are listed as giving courses for English and citizenship for the foreign born.

We are pleased to commend this fine gentleman who is endeavoring to learn of our way of life and the American heritage.

Very truly yours,

MARION E. RYBICKI, *Teacher in charge.*

NEW YORK, N. Y., *October 9, 1953.*

Re Karlis Abele.
Mr. JOSEPH B. MOW,
Associate Director, Central Department of Church World Service,
New York, N. Y.

DEAR MR. MOW: Since Mr. Karlis Abele was admitted to this country on a trial basis I checked on his behavior several times with the Reverend Ozols and I had an extended interview with Mr. Abele on July 2 on which I reported to you that he impressed me as a perfectly normal individual.

In view of his impending reexamination by the United States Public Health Service I interviewed Mr. Abele again on October 8; furthermore I checked my impressions by means of the psychological tests mentioned in my report of February 21, 1953. Again I found that Mr. Abele is free from any psychotic symptoms, that he has absorbed in an intelligent way the recent developments in world politics and that he has adjusted in an exemplary manner to the living conditions in this country. This fact seems to be an excellent test of his mental and emotional ability to stand trying conditions as he has been living here under the unusual pressure of not knowing whether he will be able this time to convince the examiners of the United States Public Health Service of his mental health. Personally I cannot see anything in his personality which would lend itself to the diagnosis of a psychosis. He may be perhaps trying for a hurried examiner as he is anxious to express himself in a manner which could not be misunderstood and misinterpreted. As I mentioned before, his European military bearing may create in this country a slightly odd impression, but it is well within the range of what one must expect from an old officer of the World War I Russian Army and subsequent physical instructor at secondary schools in Latvia.

Please let me know in case any additional statements should be wanted.

Sincerely yours,

GOTTHARD BOOTH, M. D.

NEW YORK, *February 21, 1953.*

Re Karlis Abele.
Mr. JOSEPH B. MOW,
Associate Director, Central Department of
Church World Service, New York, N. Y.

DEAR MR. MOW: I examined Mr. Karlis Abele on February 20, 1953, by means of interview and of psychological tests. The examination was carried out in German, only occasionally Pastor Ozols had to help with a few expressions. It became evident to me that the diagnosis of paranoid psychosis had been confirmed by the Medical Appeal Board on April 21, 1952, on the basis of difficulties of communication due to the fact that the interview took place in Russian through an interpreter.

The board found direct evidence for paranoid thinking only "in that he considered this hearing to have been based upon a political denunciation." Certainly this is a typical paranoid idea, but in this instance the suspicion was the only explanation any intelligent person could have thought of. After all, Mr. Abele had been cleared medically in Germany by the American consular service and he had nothing in his history which would have suggested a different explanation

for the sudden withdrawal of his medical clearance. What he knew was that he had been in political disagreement with Latvian ladies who had been detained in the same DP camp in Germany after the war. (The record speaks mistakenly of "concentration camp.") In camp meetings Mr. Abele annoyed the "very progressive ladies" by expressing his sceptical and conservative viewpoints. At one camp meeting one of the ladies called Mr. Abele "an old rooster crowing on a big dung heap" and he retorted that he wanted to be more polite and call her "the most intelligent goose in Germany." It seems rather plausible that a lady with political ambitions did not forget such public fun at her expense, and that she tried to take her revenge when the occasion offered itself.

The board found supporting evidence for the diagnosis of paranoia in Mr. Abele's "extremely stiff and rigid behavior and excessive politeness." As previously pointed out by Dr. Needleman before the board, this behavior is typical of a former European professional officer and later physical instructor at high schools. In fact I found him rather more relaxed than many professional German officers I have known.

The history of Mr. Abele's former employment as an instructor was gone into. What he said about the reasons for his four changes of schools appeared to be based on perfectly rational considerations. Pastor Ozols told me that Mr. Abele described correctly the economic, administrative, and political conditions prevailing in Latvia between the two World Wars. It seems plausible that among prevailingly socialistic colleagues his political views and his frankness about them contributed to the unfavorable statement of the Latvian association mentioned at the hearing of the board.

As to the story of the hut which Mr. Abele built for himself in a secluded part of the DP camp, the explanation is quite normal. The camp was overcrowded and the officer in charge offered building material to Mr. Abele, as he was able and willing to do the work himself. I am enclosing a circumstantial affidavit from the Latvian physician of the DP camp which indicates that there was nothing abnormal about Mr. Abele's behavior at this time.

The preceding explanations suggest strongly that the board arrived at the diagnosis of paranoia on the basis of misinterpretations and misunderstandings.

In order to clarify the case fully I administered the following psychological tests to Mr. Abele: Rorschach, Goodenough drawing test and Szondi (including associations to the chosen pictures). The test performances convinced me that Mr. Abele is not psychotic at the present time and I consider it extremely unlikely that he could ever have been psychotic or even neurotically handicapped. I do not expect any difficulties of adjustment in case the findings of the board should be revised in the light of the above findings. I consider myself qualified to evaluate psychological tests on the basis of 16 years of special research in this field, but I should be glad to submit the tests to a Government expert for substantiation. I received a German diploma as a specialist in neurology and psychiatry in 1930. I am a member of the American Psychiatric Society and the Society for Research in Psychosomatic Medicine. For the past 5 years I have done psychiatric screening for the Dioceses of Newark and of New York as well as for General Theological Seminary in New York.

I trust that this report has covered all the controversial points mentioned at the meeting of the medical board of April 9, 1952.

Very sincerely yours,

GOTTHARD BOOTH, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1301), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 1003

DALISAY LOURDES CRUZ

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1552]

The Committee on the Judiciary, to which was referred the bill (H. R. 1552) for the relief of Dalisay Lourdes Cruz, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 6, strike the words "and Mrs. Antonio Cruz, citizens", and insert in lieu thereof the words "Antonio Cruz, a citizen".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable Dalisay Lourdes Cruz to enter the United States as the minor alien child of her father, who is a United States citizen. The bill has been amended inasmuch as the mother of the beneficiary is not a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of the Philippine Islands. The father of the beneficiary is a citizen of the United States and has served in the United States Army for 30 years. He desires to bring his wife and 6 of his 8 children to this country for permanent residence. The beneficiary of the bill is the only one who is not eligible for a nonquota visa inasmuch as she is now over the age of 21 years.

A letter, with attached memorandum, dated October 7, 1954, to the then chairman of the Committee on the Judiciary of the House

of Representatives with reference to H. R. 9532, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 7, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9532) for the relief of Dalisay Lourdes Cruz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born minor alien child of Mr. and Mrs. Antonio Cruz, citizens of the United States. It is noted from information furnished that the beneficiary was born on February 11, 1932, and would therefore have been 22 years of age on her last birthday.

As a native and citizen of the Philippine Islands, the beneficiary would be chargeable to the quota of that country.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING DALISAY LOURDES CRUZ, BENEFICIARY OF PRIVATE BILL H. R. 9532

The beneficiary, Dalisay Lourdes Cruz, has never been in the United States and presently resides at Calumpit, Bulacan, P. I. Information concerning her was furnished by her father, Antonio Cruz, first sergeant of D Battery, Ninth AAA Battalion, United States Army, South San Francisco, Calif.

Mr. Cruz stated he is a native of the Philippines and was naturalized a United States citizen on August 30, 1946, at San Marcelino, Zambales, P. I., certificate No. OM 28685. He has served in the United States Army approximately 30 years and has been in the United States since August 1949. He and his wife have eight children. His wife and children reside in the Philippines, and he wants to bring his wife and six of his children to the United States for permanent residence. Two of the children are married and will remain in the Philippines. Apparently the beneficiary is the only one more than 21 years of age, of those whom he wishes to bring to the United States. Mr. Cruz states he owns his own home in the Philippines, but has no other property or resources except about $400 in the bank. He earns about $305 per month and $96 per month allowance for family. He served 14 months in Korea with the Army. He reportedly has a good reputation and record with the Army. Beneficiary reportedly has attended Corregidor Elementary School, Calumpit Public School, Bulacan High School, and Santo Tomas University. She is a member of the Catholic Church, and is said to have no political activities or organizational affiliations. She has never been arrested.

The Director of the Visa Office, Department of State, submitted the following report dated July 21, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, D. C., July 21, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of June 15, 1954, and its enclosures, wherein you request a report of the facts in the case of Dalisay Lourdes Cruz, beneficiary of H. R. 9532, 83d Congress, 2d session.

The American Embassy at Manila, Philippines, has informed the Department that on the basis of an approved petition granting a fourth preference within the quota, a preliminary visa application form was sent to the alien on June 29, 1954.

If, as it appears, the alien is chargeable to the quota for the Philippines, the fourth preference category of which is heavily oversubscribed, it is anticipated that the alien will be required to undergo a considerable period of waiting before a quota number could be allotted for his use.

At this time, the Department has no information from which it could be ascertained whether or not the alien is eligible in all respects to receive an immigrant visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1552), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 1004

SADA ZARIKIAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2065]

The Committee on the Judiciary, to which was referred the bill (H. R. 2065) for the relief of Sada Zarikian, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Sara Zarikian shall be held and considered to be within the purview of section 354 (a) (5) of that Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable Sada Zarikian to retain her United States citizenship notwithstanding her residence outside of the United States. The purpose of the amendment is to place the beneficiary, a naturalized citizen, in the same position as other naturalized citizens with long periods of residence in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old naturalized citizen of the United States who was born in Istanbul, Turkey, and entered the United States with her parents on September 1, 1922, when she was 3 months old. She derived United States citizenship through the naturalization of her father on January 19, 1928, and resided continuously in the United States until 1946, when she moved to Caracas,

Venezuela, after her marriage to a native of Greece who became a citizen of Venezuela in 1953. She has 3 children ranging in age from 3 to 8 years, who are registered as United States citizens. She reentered the United States in June 1949 and remained until February 3, 1950, when she returned to Venezuela and last entered the United States on December 22, 1954. Her husband is in business in Venezuela and she has engaged in activities highly beneficial to the United States.

A letter, with attached memorandum, dated April 25, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2065) for the relief of Sada Zarikian, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service which has custody of those files.

The bill would exempt Sada Zarikian from the provisions of section 352 (a) (2) of the Immigration and Nationality Act which provides that naturalized citizens shall lose United States citizenship by reason of subsequent residence for 5 years in any foreign state or states.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING SADA ZARIKIAN, BENEFICIARY OF H. R. 2065

The beneficiary, Sada Zarikian, was born on May 31, 1922, in Istanbul, Turkey. She originally entered the United States on September 1, 1922, and became a citizen of the United States on January 19, 1928, through the naturalization of her father.

The beneficiary is a graduate of the University of Minnesota. On January 12, 1946, she married Esteban Zarikian and following her marriage moved to Caracas, Venezuela. Three children have been born to this marriage, ranging in age from 3 to 8 years. All of the children were born in Caracas, Venezuela. Mr. Zarikian is a merchant in Caracas, Venezuela, where he operates a wholesale drygoods store and automobile agency.

The beneficiary returned to the United States in June 1949, and remained in this country until February 3, 1950. Her last admission to the United States was on December 22, 1954, being admitted as a citizen upon presentation of a United States passport. Mrs. Zarikian was granted permanent status by the Venezuelan Government on September 19, 1954. Mr. Zarikian, a native of Greece, became a citizen of Venezuela in 1953. He had been granted Argentine citizenship in 1934 or 1935.

The beneficiary's father, mother, and brother reside in the United States. She stated that it is their intention to have their children attend high school and college in the United States. She further stated that her only reason for residing in Venezuela is because of her husband's business, and that she intends to return to the United States to live upon her husband's retirement.

The beneficiary of H. R. 2065 is also the beneficiary of pending bill S. 1108.

The Assistant Secretary of State submitted to the House Judiciary Committee the following report on the case, dated February 23, 1955:

DEPARTMENT OF STATE,
Washington, February 23, 1955.

Re H. R. 2065, for the relief of Sada Zarikian.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: This will acknowledge receipt of your letter of February 3, 1955, transmitting for the comment of the Department of State copies of H. R. 2065, for the relief of Sada Zarikian.

The files of the Passport Office disclose that Mrs. Zarikian was born in Turkey on May 31, 1922, while her parents were waiting for an American visa to their Persian passport, and that she entered the United States in September 1922. Her parents were naturalized on January 19, 1928, and she derived citizenship through her father.

Mrs. Zarikian resided in the United States from the date of her entry at age 3 months until 1946, when she went to Venezuela to reside with her husband, whom she married on January 12, 1946. She obtained all of her education in this country, and is a graduate of the University of Minnesota.

In Venezuela, where her husband, a citizen of Venezuela, is in business, Mrs. Zarikian has been extremely active in civic affairs and in sponsoring and promoting activities such as the Association of University Women, the Red Cross, and in work for the American church in Venezuela. There is on file in her case ample testimony as to her helpfulness and courtesies to Americans in Venezuela, both in Government service and in private business.

Mrs. Zarikian left Venezuela with her husband and two children and returned to the United States in June 1949. The Department considered from all the facts presented that she had broken the continuity of her foreign residence and extended passport facilities to her in February 1950, when she returned to Venezuela.

The instant bill would permanently exempt Mrs. Zarikian from the operation of section 352 (a) (2), and would enable her to continue to live abroad with her husband and American citizen children without loss of her United States citizenship.

The Department considers that there are many extenuating and favorable circumstances in this case and therefore interposes no objection to the enactment of this bill.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

Congressman Walter H. Judd, the author of the bill, submitted the following affidavit in support of the bill:

DISTRICT OF COLUMBIA, *ss:*

To Whom It May Concern:

The undersigned is a specialist in Latin American affiairs and has devoted the past 20 years to travel in South America. A more detailed outline of my career can be found in Who's Who in America. At present I am director and president of the Sindicato De Prensa Latino Americano (Latin American Press Syndicate), a news agency which serves more than 800 Latin American daily newspapers and circulates news among the Latin American countries. In this capacity, I have visited Venezuela 18 times in the past 3 years and have lived in Venezuela on various occasions from 1941 to the present.

I have known Esteban Zarikian since 1941 and Mrs. Sada Zarikian since 1946.

Until the time of the Zarikians marriage, Mr. Zarikian's social and business contacts were principally with Venezuelans. Mr. Zarikian himself has told me, and I know of my own knowledge, that his intensive social and business connections with Americans has been principally due to Mrs. Zarikian's influence and contacts. I know that Mr. Zarikian's activities on behalf of the American businessmen in Venezuela were prompted by, or at the insistence of his wife. There is no doubt but that most of the arguments which I know Mr. Zarikian presented to the Venezuelan officials on behalf of the United States businessmen were arguments advanced by his American wife.

Sada Zarikian's activities as an American on behalf of American interests are what prompt me to prepare this affidavit. I know of her many social activities on behalf of better relations between the American colony and Venezuelan official-

dom. There are also a number of specific instances where her activities have benefited, or will benefit, American economic interests in Venezuela.

Together with her husband, Sada Zarikian was instrumental in convincing the Venezuelan Government to change its policy in connection with the granting of oil concessions to American independent oil producers. I have been present at several conferences and social gatherings and participated in conversations with key executives of the Venezuelan Government in which Mrs. Zarikian undoubtedly influenced these executives toward changing the closed-door policy of the Venezuelan Government as regards American independent oil producers.

I know of my own knowledge that Mrs. Zarikian has been largely instrumental in assisting the F. W. Woolworth Co. to come to Venezuela, where they expect to open a chain of stores selling American products. It was her correspondence with executives of the Woolworth Co. on a personal and friendly basis, and not connected with any financial interest on her part, that resulted in the visit to Venezuela of Alfred L. Cornwell, chairman of the board of the Woolworth Co., and, later of James Leftwich, president of that same company, both of whom consulted at great length with Mr. Zarikian and then decided to extend the Woolworth chain into Venezuela.

Mr. Zarikian, as 1 of the 3 members of the Consecjo Economico of the Venezuelan Government, is a principal financial adviser to the President of Venezuela, together with the presidents of the Central Bank and the Bank of Venezuela.

I have attended numerous social gatherings at the home of the Zarikians where prominent American businessmen have solicited the aid of both Mr. and Mrs. Zarikian in furthering American interests with the Venezuelan Government. The Zarikians have invariably helped American firms in this respect and their home has been a meeting place for American businessmen interested in establishing contact with high Venezuelan Government officials. The Zarikians have done this with no view to financial gain, but purely on a social basis.

During the early part of the Second World War, when I was correspondent in Venezuela for the New York Times and Associated Press, one of the news stories that I wrote concerned the contribution by Mr. Zarikian of a large quantity of aluminum—then urgently needed by the United States—to the United States Government. Mr. Zarikian and his brother spent a large sum of money to purchase this aluminum in order to make the contribution and keep the aluminum from the hands of nonfriendly powers.

In addition, Mrs. Zarikian has exercised a deep influence on the development of American civic activities in Venezuela and in the interpretation of those activities to the Venezuelan public. She has been one of the most active leaders of the American church, has been first vice president of the American Association of University Women in Caracas, and one of the most active members of the committee of that organization which furnishes scholarships to Venezuelan students in the United States. She has personally raised funds and promoted the granting of scholarships to a number of promising Venezuelan girl students who desired to continue their education in our country.

I believe that Mrs. Zarikian's activities on behalf of the United States in general, and of American business interests in particular, make her an invaluable asset to our country in Venezuela and urge that she be permitted to retain citizenship in a country she so deeply loves.

STANLEY ROSS,
Sinaicato De Prensa Latino Americano, United Nations Secretariat Building, United Nations, N. Y.

Subscribed and sworn to before me this — day of January 1955.

DOROTHY D. MURRAY, *Notary Public.*

In addition, Senator Hubert H. Humphery, the author of a similar bill pending in the Senate, submitted to the Senate Committee on the Judiciary the following statement by the beneficiary of the bill:

PERSONAL DATA, SADA ZARIKIAN

To Whom It May Concern:

I was born Sada Sahagian on May 31, 1922, in Constantinople, Turkey. My parents, both Armenian, were married in Erivan and had arrived in Turkey a few months previous to my birth to await their American visa. They fully expected my birth to take place in the United States, but the visa was late in coming through.

My parents entered the United States on a Persian passport when I was 3 months old. They were naturalized at the earliest possible date in Minneapolis, Minn., on January 1928, at which time I automatically gained my "derived citizenship." I have a brother born in the United States in 1923. He served as a first lieutenant with the Army Air Force in overseas duty in the last war.

I joined and had attended the Hennepin Avenue Methodist Church from the time I was 3 years old.

I attended grade school, junior high and senior high school in Minneapolis and left Douglas Grade School, Jefferson Junior High, and West High each with honors and the highest recognition and commendation of my teachers and principals. I finished the University of Minnesota with a bachelor of arts and belonged to the Kappa Alpha Theta National Sorority.

My mother has been exceptionally active in civic affairs in Minneapolis Red Cross, YWCA (board member), Interracial Service Consul, International Club, Hennepin Avenue Church, Community Chest, war defense work, United Nations, Eastern Star, etc. My father has had his own business in Minneapolis at the same address since 1918, and is a Mason and Shriner and a highly respected businessman. They both still live in Minneapolis.

Between school terms I worked for the Dayton Co., Harolds, General Mills defense plant, where we were making "Directors" for the Navy, the Minneapolis Star Journal and Tribune. After college graduation in 1944, I worked in New York for Time magazine in advertising promotion until I was married in 1946.

I was married to Stepan Zarikian, born in Greece of Armenian parents and who was at the time an Argentine citizen, on January 12, 1946, in Minneapolis. In 1953 he became a Venezuelan citizen.

I never left the United States from the time I entered in 1922 until February 1946 when I came to Venezuela with my husband. I have three children born in Caracas, registered as American citizens born of an American parent abroad and each was taken to New York at their respective intervals to be baptized there.

Senator Hubert H. Humphrey has introduced in the Senate, S. 1108, for the relief of the same beneficiary. In view of the fact that the committee is reporting the instant bill favorably, the bill, S. 1108, will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2065), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 1005

GERALDINE GEAN HUNT AND LINDA MARIE HUNT

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2753]

The Committee on the Judiciary, to which was referred the bill (H. R. 2753) for the relief of Geraldine Gean Hunt and Linda Marie Hunt, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 8, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Geraldine Gean Hunt and Linda Marie Hunt. The bill provides for the payment of the required visa fees. The bill has been amended to delete the quota charges inasmuch as the alien minor children of United States citizens normally enjoy the status of nonquota immigrants.

STATEMENT OF FACTS

The beneficiaries of the bill are 2-year-old natives and citizens of French Morocco who last entered the United States on October 28, 1953, as visitors, accompanied by their adoptive parents, Mr. and Mrs. James L. Hunt. The natural parents of the beneficiaries are unknown. The adoptive father is employed by the Morrison-Knudsen Corp. as a construction superintendent, and is presently assigned on a United States military project near Las Vegas, Nev.

A letter, with attached memorandum, dated July 16, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7968, which was a bill introduced in the 83d Congress for the relief of the same children, reads as follows:

JULY 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7968) for the relief of Geraldine Gean Hunt and Linda Marie Hunt, there is attached a memorandum concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees, provided that a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. It would also provide that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Morocco.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERALDINE GEAN HUNT AND LINDA MARIE HUNT, BENEFICIARIES OF H. R. 7968

The beneficiaries, Geraldine Gean Hunt and Linda Marie Hunt, are infants, allegedly born out of wedlock on January 6, 1953, and February 11, 1953, respectively, at Casablanca, French Morocco, of parents unknown to this Service. They were admitted to the United States on October 28, 1953, at the port of New York as temporary visitors for 6 months. Extensions of their temporary stays until July 28, 1954, have been granted by this Service. They reside with their foster parents Mr. and Mrs. James Leroy Hunt, at 4020 North Main Street, North Las Vegas, Nev.

The beneficiaries were adopted during 1953 at Casablanca, French Morocco, by James Leroy Hunt and Marjorie Laura Hunt, his wife, both of whom are native-born United States citizens. Mr. Hunt was born on January 22, 1920, at North Platte, Nebr., and Mrs. Hunt was born on October 31, 1917, at Chicago, Ill. They were married on April 13, 1946, at Reno, Nev.

Mr. Hunt served in the United States Navy Seabees from September 1943 until March 1946. Prior to and subsequent to his military service, Mr. Hunt had been employed by the Morrison-Knudsen Corp. in various parts of the world. His present position is that of construction superintendent on a United States military project near Las Vegas, Nev. His salary is approximately $800 per month.

Mr. and Mrs. Hunt testified that their permanent home address is 158 Via Esperanza, San Lorenzo, Calif.

Congressman George P. Miller, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Geraldine Gean and Linda Marie Hunt, in whose behalf I introduced H. R. 2753, are infants born in Casablanca in 1953 and there adopted by Mr. and Mrs. James L. Hunt. Mr. and Mrs. Hunt are both natural-born American citizens whose permanent residence is in San Lorenzo, Calif., where they own their own home.

James L. Hunt is found to be a loyal, patriotic, and substantial citizen. He served with the United States Navy Seabees from September 1943 until March 1946. Prior to and subsequent to his military service, Mr. Hunt has been employed by the Morrison-Knudsen Corp. as a construction supervisor. This company has been engaged in the construction of numerous military installations for our Government in various parts of the world. Mr. Hunt's work record is outstanding and his contribution to our defense effort, both in service and out, is of untold value. His salary is approximately $10,000 per year.

Mr. Hunt was last employed outside the States on the Nouasseur Air Base project in Casablanca. On October 28, 1953, Mr. and Mrs. Hunt returned to this country with the two babies who were admitted on 6-month visitor visas.

Mr. and Mrs. Hunt demonstrated their good faith and intentions by consulting with the American consulate in Casablanca prior to taking the infants for adoption. A member of the consulate staff assured Mrs. Hunt that once the adoption was completed there would be no difficulty in obtaining visas for permanent residence. Following this discussion, the Hunts took the newborn babies in January and March of 1953 and immediately started adoption procedures. The adoptions were completed by June 1953, at which time Mrs. Hunt again visited the American consulate. At this visit she was advised that it would be necessary for her to complete certain forms applying for quota numbers. She was also informed that a waiting period from 12 to 18 months would be necessary. Four months later the Morrison-Knudsen Corp. recalled Mr. Hunt to the States for reassignment. Not knowing to what part of the world they would be sent, and rather than leave their babies in an orphanage in Casablanca, the Hunts brought Geraldine and Linda with them on visitors visas.

Upon arrival in the States Mr. Hunt learned that, due to a shortage of key personnel, he was being assigned as construction superintendent on a United States military project near Las Vegas, Nev. Realizing he would be in the States for an indefinite period of time, Mr. Hunt immediately asked me to help obtain permanent visas for his daughters.

When the babies were adopted the Hunts were very fond of them, and during the past 2 years they have come to look upon them as their own. Mr. and Mrs. Hunt sincerely desire to continue giving Geraldine and Linda their love and affection. They want to continue providing a secure home and the proper surroundings which are inducive to the development of good American citizens. The committee's favorable action on this request would represent a humane and merciful act.

I want to take this opportunity to thank the committee for the earnest consideration I know will be given this bill.

In addition, Congressman Miller submitted the following letter in support of the bill:

LAS VEGAS, NEV.

Representative GEORGE P. MILLER,
House of Representatives, Washington, D. C.

DEAR MR. MILLER: I am writing to inquire if you would entertain submitting a bill to Congress that would make my adopted babies citizens of the United States.

I am an American-born citizen, Veteran of World War II, own a home at 158 Via Esperanza, San Lorenzo, Calif. I have been in the employ of Morrison-Knudsen Co., Inc., for better than 10 years, the past 6 years have been on overseas projects in a supervisory capacity.

From September 1951 to October 1953 I was working on the Nouasseur Air Base project in Casablanca, French Morocco. In January 1953 my wife and I took a new-born baby girl, born January 6, 1953, and started adoption proceedings. In March 1953 we took another baby girl, born February 11, 1953, and had adoption procedure started for her.

Prior to taking either child my wife discussed our intention to adopt with Mr. Bovey of the Casablanca American consulate. He assured her that after legal adoption was completed there would be no difficulty in obtaining permanent admission into the United States.

In June 1953 my wife again visited the consulate to notify them of the status of adoption and to inform that my part of the Nouasseur project would be finished by October. She was then informed for the first time, that quota numbers were necessary and would not be available for a period of 12 to 18 months. She immediately filled out the necessary papers applying for quota numbers and submitted them to the consulate.

In August I went to the consulate only to find that our requests for quotas had not been forwarded to Rabat for action but were still on file in the Casablanca office. I again explained the necessity for some sort of action as my work was nearly completed. I was informed that there wasn't a thing they could or would do for me. The only suggestion made was that my wife and I leave the babies, return to the States, and have them sent to us "whenever the quota numbers come up." Our purpose in adopting these babies was to give them a home and the love and security they deserve—not to leave them in a home or orphanage under any circumstances.

After several more visits and talks with various members of the consulate it was finally decided that they would give the babies visitors visa, if I could assure them that I would leave the States within 60 days of my return. Mr. Teters, project manager of Atlas Constructors, wrote a letter to that effect inasmuch as I've been on overseas construction for 7 years and anticipated that Morrison-Knudsen would send me out again. Final adoption papers were turned over to us in September, we obtained French passports and brought our daughters home on that basis.

However, on arrival in New York, October 28, 1953, I received a wire from Morrison-Knudsen directing me to report to the project now underway near Las Vegas, Nev. Due to a shortage of key personnel and the urgency of this project the company has seen fit to interrupt my overseas career for an indefinite period.

Under these circumstances we want to obtain a permanent status for the babies and establish their American citizenship. I understand that legislation can make this possible. We are most anxious that such action be inaugurated for our babies at the earliest possible date. I am enclosing one photostat copy of each act of adoption. Copies of my own birth certificate and that of my wife are on file with the State Department as we both possess passports. My passport number is 20362, that of my wife, Marjorie L. Hunt, is 339339. Both babies appear on passport No. 33659 of Protectorat de la Republique Francaise au Maroc, Region ou Territoire Casablanca, visa Nos. 626338, and 626339.

I am also enclosing a snapshot, taken in our home last Christmas, to show you our small daughters. Can you help us obtain citizenship for them?

Please inform me on this matter at your earliest convenience.

Very truly yours,

JAMES L. HUNT.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2753), as amended, should be enacted.

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Calendar No. 1013

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1006

OFELIA MARTIN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2791]

The Committee on the Judiciary, to which was referred the bill (H. R. 2791) for the relief of Ofelia Martin, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On lines 6 and 7, strike the words "and Mrs. Gentry Martin, citizens" and insert in lieu thereof the words "Gentry Martin, a citizen".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant to the minor child adopted by a citizen of the United States the status of a nonquota immigrant, which is the status normally enjoyed by the alien minor children of United States citizens. The bill has been amended to delete Mrs. Martin's name from the bill, inasmuch as she is not yet a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 14-year-old native and citizen of the Philippine Islands who presently resides in that country. She was adopted by Mr. Ralph Gentry Martin, a citizen of the United States, and his wife, a lawful resident alien, on November 19, 1953. The beneficiary resides with her aunt and is supported by her adoptive parents.

A letter, with attached memorandum, dated June 28, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7052, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 28, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7052) for the relief of Ofelia Martin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to section 101 (a) (27) (A) of the Immigration and Nationality Act by providing that the child shall be held and considered to be the natural-born alien child of United States citizens, Sgt. and Mrs. Gentry Martin. It is noted that the bill refers to Mrs. Martin as a United States citizen. However, the records of this Service show that she is a Philippine national.

As a quota immigrant, the child would be chargeable to the quota of the Philippine Islands.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OFELIA MARTIN, BENEFICIARY OF H. R. 7052

Mr. and Mrs. Ralph Gentry Martin, the adoptive parents of the beneficiary, furnished the following information concerning her: She is a native and citizen of the Philippine Islands, born on December 29, 1940; she has never been in the United States; she was adopted in the Philippine Islands on November 19, 1953; she is the child of Patricio Medina and Gloria Trinidad, who are separated; and that the mother was unable to support the child and agreed to the adoption.

Mr. Martin is a citizen of the United States and was a member of the Army Air Force from May 1940 until January 1954. Mrs. Martin is a citizen of the Philippine Islands and a lawful permanent resident of the United States. They were married in the Philippine Islands on October 15, 1947. Mr. Martin is employed as a civilian employee at the Kelly Air Force Base and has an income of $340 per month. Information at hand shows that he was arrested at Winchester, Ky., on May 6, 1939, on the charge of armed robbery but that the charge was dismissed on the same date. He was also arrested by the military authorities in November 1942, on charges that he was absent without leave; desertion; and failing to obey the lawful order of his commanding officer. The information at hand fails to indicate which of the several charges was finally found sustained. It is shown, however, that Mr. Martin was sentenced to imprisonment for 5 years at the United States Disciplinary Barracks, Fort Leavenworth, Kans., for his misconduct. The sponsors are contributing to the child's support in the Philippine Islands and she is at the present time living with her aunt in the Philippine Islands and is in the sixth grade in school.

In addition, the Director of the Visa Office, Department of State submitted the following report dated March 12, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, March 12, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Reference is made to previous correspondence concerning the case of Ofelia Martin, who is the beneficiary of H. R. 7052, 83d Congress, 2d session.

A communication has been received from the American Embassy at Manila which reports that there is no record in its files of a visa application by the aforementioned child. However, as she is chargeable to the very heavily oversub-

scribed Philippine quota, a protracted delay of indefinite duration is to be anticipated before a quota number will become available to cover the issuance of an immigrant visa to her.

At this time, the Department has no information from which it can be ascertained whether the child in question would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman John C. Watts, the author of the bill, submitted the following documents in support of the bill:

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF NUEVA ECIJA

FOURTH JUDICIAL DISTRICT

Sp. Proc. No. 807

In the Matter of the Adoption of the Minor Ofelia Medina; R. Gentry Martin and Christina Martin, Petitioners

ORDER

This is a petition dated October 16, 1953, filed by the petitioners, through counsel, for the adoption of a certain Ofelia Medina.

After due publication in a newspaper of general circulation in this province, the Bagong Buhay (exhibit D) the hearing of said petition was set for today. No opposition thereto has been registered.

From the evidence adduced, it appears that the person sought to be adopted is a minor, 13 years of age, single, Filipino, and had been living continuously with the petitioners from 1947 to the present; that the petitioners had been supporting the said minor and had been providing for the expenses of the minor in connection with her schooling; that the petitioners have no child, legitimate, legitimated, acknowledged natural children, or natural children by legal fiction; that the minor and her parents have consented to this adoption (exhibits B and C); that the income of the petitioners-adopters if P1,000 a month, more or less; that the said minor has never as yet been adopted by any other person; that the petitioners have never been convicted of any crime involving moral turpitude; that the petitioners are ready and willing to take the said Ofelia Medina as their own child.

In view of the foregoing, the court declares Ofelia Medina as the legal adopted child of R. Gentry Martin and Christina Martin, by virtue of these proceedings, and henceforth, Ofelia Medina is freed from all legal obligation of obedience and maintenance with respect to Jesus C. Medina and Gloria de la Cruz, her natural parents, and orders that the name of Ofelia Medina, the adopted, by changed to Ofelia Martin.

This order of adoption gives to the person adopted and the persons adopting the privileges and rights which the law, in each case, confers upon them.

So ordered.

City of Cabanatuan, Philippines, November 19, 1953.

[SEAL] LORENZO C. GARLITOS, *Judge.*

Certified true copy.

J. VARGAREJO,
Deputy Clerk of Court.

REPUBLIC OF THE PHILIPPINES COURT OF FIRST INSTANCE OF NUEVA ECIJA
FOURTH JUDICIAL DISTRICT

Sp. Proc. 807

In the Matter of the Adoption of the Minor Ofelia Medina R. Gentry Martin and Cristina Martin, Petitioners

ORDER

A petition has been presented by the spouses, R. Gentry Martin and Cristina Martin, praying for the issuance of a decree declaring Ofelia Medina of minor age, as their adopted daughter.

It appearing that the father and mother of the minor, who are residents of Guimba, Nueva Ecija, consent with her adoption as prayed for in the petition, as per joint affidavit attached to the said petition as annex A.

Wherefore, the court hereby sets for hearing the said petition on November 19, 1953, at 8 a. m., and let a copy of this order be published in Bagong Buhay, a newspaper of general circulation in the province of Nueva Ecija, beginning in its October 29, 1953, issue, once a week for three consecutive weeks at the expense of the petitioners, and all persons having interest in the petition may file their objections, if any, or appear in person before this court on or about the date of the hearing above mentioned.

So ordered.

Cabanatuan Coty, Philippines, October 21, 1953.

LORENZO C. GARLITOS, *Judge.*

True copy.

———— ————, *District Clerk.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2791), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 1007

Calendar No. 1014

FRANZISKA LINDAUER BALL

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2944]

The Committee on the Judiciary, to which was referred the bill (H. R. 2944) for the relief of Franziska Lindauer Ball, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Franziska Lindauer Ball. The bill provides for the payment of the required visa fee and for the posting of a bond as a guaranty that the beneficiary will not become a public charge. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who last entered the United States on February 15, 1955, as a visitor for medical treatment. She is presently receiving treatment and examination for tuberculosis at Walter Reed Hospital in Washington, D. C. The beneficiary was married in Germany to John David Ball, who is a sergeant in our Armed Forces, presently stationed at Fort Belvoir, Va.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9610, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

OCTOBER 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9610) for the relief of Franziska Lindauer Ball, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would waive provisions of section 212 (a) 6 of the Immigration and Nationality Act which exclude from admission to the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or with any dangerous contagious disease; and would authorize the alien's admission to the United States for permanent residence if she is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien will not become a public charge.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANZISKA LINDAUER BALL, BENEFICIARY OF H. R. 9610

The beneficiary resides in Augsburg, Germany. Information concerning the case was obtained from John David Ball, the husband of the beneficiary, Franziska Lindauer Ball, who is a sergeant in the United States Army and is presently stationed at Fort Belvoir, Va. He was born in Rochester, N. Y., on April 28, 1930. He has been a member of the United States Army for approximately 6 years and served with the occupation forces in Germany from January 1949 to April 1954. He receives an annual salary of about $2,943.

The beneficiary, Franziska Lindauer Ball, nee Lindauer, a native and citizen of Germany, was born on June 17, 1928. She and Sergeant Ball were married in Germany. She has an elementary school education and resides with her mother in Germany. Her father is deceased. The beneficiary is not gainfully employed. She did not meet the medical requirements for a visa to the United States as she was classified by the United States Public Health Service physician as class A tuberculosis. Section 212 (a) (6) of the Immigration and Nationality Act provides that aliens who are afflicted with tuberculosis in any form shall be ineligible to receive visas and shall be excluded from admission into the United States.

The Director of the Visa Office, Department of State, submitted the following report dated August 4, 1954, to the House committee:

DEPARTMENT OF STATE,
Washington, August 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of June 23, 1954, and its enclosures, wherein you request a report of the facts in the case of Franziska Lindauer Ball, beneficiary of H. R. 9610, 83d Congress, 2d session.

The American consulate general at Munich, Germany, has reported that Mrs. Ball was medically examined on April 24, 1953, in connection with Sgt. John D. Ball's application for marriage; that Sergeant Ball's commanding officer was informed on April 24, 1953, that a decision in Mrs. Ball's case must be deferred for medical reasons until April 1954; that the reexamination which Mrs. Ball underwent on April 6, 1954, revealed that she still did not meet the medical requirements for a visa, and that she was classified by the United States Public Health Service physician as class A tuberculosis.

Section 212 (a) (6) of the Immigration and Nationality Act renders ineligible to receive visas and excludable from the United States aliens who are afflicted with tuberculosis in any form. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Ball.

At this time the Department has no knowledge of any factor in Mrs. Ball's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any

other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Ball from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

In addition, the Commissioner of Immigration and Naturalization submitted the following report dated May 17, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives:

MAY 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report forwarded by this Service to the committee on October 1, 1954, relative to Frankziska Lindauer Ball, beneficiary of private bill H. R. 9610, 83d Congress. The alien is now the beneficiary of private bill H. R. 2944, 84th Congress.

The following additional information is submitted concerning this beneficiary:

The beneficiary entered the United States at Westover Field, Mass., on February 15, 1955, as a visitor for medical treatment. She is at present receiving treatment and examination at Walter Reed Hospital, Washington, D. C., for tuberculosis. She is presently residing at 1462 Rhode Island Avenue NW., Washington, D. C. As she has evinced an intention to remain in the United States permanently, action is being taken looking to the institution of deportation proceedings against her.

Sincerely,

——— ———, *Commissioner.*

Congressman Harold C. Ostertag, the author of the bill, submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I enclose herewith a copy of H. R. 2944, a bill for the relief of Franziska Lindauer Ball which I introduced in the 84th Congress on January 24, last, and urge most earnestly its early processing and consideration.

The beneficiary of this measure is the wife of Sgt. John D. Ball, of the Headquarters Company, 79th Engineer Construction Group, Fort Belvoir, Va.

Early in 1952 Sergeant Ball, then in Germany, requested permission of the military authorities to marry Miss Franziska Lindauer. At the conclusion of the usual investigations sometime in October of that year, it was apparent that the young woman was afflicted with active tuberculosis. She was hospitalized in Augsburg, Germany, in November and released, seemingly fully recovered, in February of 1953. As of the following April she began the year's deferment required in such cases.

In January of 1954, based upon the condition of Miss Lindauer as reflected by interim X-rays during the preceding 9 months, the marriage was approved and the ceremony took place. However, to the disappointment of all concerned and despite the contentions of German medical people, our Public Health officers abroad could not see their way clear to declare Mrs. Ball eligible for admission to the United States under the immigrant visa which she had requested.

Mrs. Ball subsequently made application for a visa permitting her to come to this country as a nonimmigrant for the purpose of undergoing medical treatment. Following approval by the Attorney General the visa was issued on January 27. Mrs. Ball was flown to this country and arrived at Westover Field about 3 weeks ago. She and her husband now reside in Washington.

The committee has in its possession reports from the Visa Office of the State Department and the Immigration and Naturalization Service of the Department of Justice obtained in connection with H. R. 9610, which I introduced in the last Congress. As additional evidence I forward herewith copies of two medical statements concerning Mrs. Ball's case made in Germany in March and May of last

year, and the original of a statement issued on March 1 of this year at the Walter Reed Army Hospital.

I earnestly hope that you and your colleagues on the committee will take prompt and favorable action on H. R. 2944. A word from you will be appreciated.

With best wishes, I am,

Sincerely yours,

HAROLD C. OSTERTAG,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2944) should be enacted.

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Calendar No. 1015

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1008

DOROTHY CLAIRE MAURICE

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3189]

The Committee on the Judiciary, to which was referred the bill (H. R. 3189) for the relief of Dorothy Claire Maurice, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dorothy Claire Maurice. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota charge inasmuch as the alien minor children of citizens of the United States are normally entitled to the status of nonquota immigrants.

STATEMENT OF FACTS

The beneficiary of the bill is a 14-year-old native and citizen of the Philippine Islands, who last entered the United States on February 16, 1954, without inspection at San Ysidro, Calif. The beneficiary was born out of wedlock and her mother was married on December 1, 1950, in Japan to Julius Caesar Maurice. Mr. Maurice adopted the beneficiary on March 19, 1951, in the Philippines. The beneficiary presently resides with her mother, who was lawfully admitted for permanent residence on May 28, 1953. The adoptive father of the beneficiary

is presently employed as manager of the Tokyo branch of the Pan Pacific Co. He is a citizen of the United States.

A letter, with attached memorandum, dated February 15, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 6499, which was a bill introduced in the 83d Congress for the relief of the same child, reads as follows:

FEBRUARY 15, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6499) for the relief of Dorothy Claire Maurice, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would confer nonquota status on the alien child by providing that she shall be considered the natural-born alien child of a United States citizen.

The alien is chargeable to the quota of the Philippine Islands.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOROTHY CLAIRE MAURICE, BENEFICIARY OF H. R. 6499

The information concerning the beneficiary in this bill was furnished by her adopted father and her mother, Mr. and Mrs. Julius Maurice.

Dorothy Claire Maurice is a native and citizen of the Philippine Islands, born out of wedlock on June 16, 1941, of a Filipino mother and an alleged native United States citizen father. She was adopted at Manila, Philippine Islands, on March 19, 1951, by Julius Caesar Maurice. Mr. Maurice married the mother of the beneficiary in Tokyo, Japan, on December 1, 1950.

The beneficiary is presently being cared for at a Catholic orphanage in Ensenada, Baja California, Mexico. She was admitted to that country as a temporary visitor until February 18, 1954. Her adopted father and her mother are desirous of bringing her to the United States to reside with them.

Mr. Maurice is a native-born United States citizen. He served honorably in the United States Army from March 4, 1942, until February 5, 1946. After his discharge from the Army Mr. Maurice was employed as a retail mercantile salesman in the Philippine Islands, Japan, and Okinawa. He returned to the United States on September 26, 1953.

Mrs. Maurice (nee Dorothy Arabia Talmadge) is a native and citizen of the Philippines, born on October 4, 1922. She was admitted to the United States for permanent residence at San Francisco, Calif., on May 28, 1953.

Mr. and Mrs. Maurice are presently residing at Inglewood, Calif., and are both unemployed. Mrs. Maurice is attending a business school in Los Angeles, Calif. They have assets totaling approximately $8,800, consisting of $3,200 cash, an automobile, and personal property.

In addition, the following report dated May 4, 1955, was submitted to the House committee from the Commissioner of Immigration and Naturalization:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3189) for the relief of Dorothy Claire Maurice, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of that file.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of the Philippine Islands.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOROTHY CLAIRE MAURICE, BENEFICIARY OF H. R. 3189

The information concerning the beneficiary of this bill was furnished by her adoptive father and her mother, Mr. and Mrs. Julius Caesar Maurice.

The beneficiary, Dorothy Claire Maurice, is a native and citizen of the Philippine Islands, born out of wedlock on June 16, 1941, of a Filipino mother and an alleged native United States citizen father. She was adopted at Manila, Philippine Islands, on March 19, 1951, by Julius Caesar Maurice. Mr. Maurice married the mother of the beneficiary in Tokyo, Japan, on December 1, 1950. The beneficiary presently resides with her mother in Inglewood, Calif.

The beneficiary is presently attending the Larch Avenue School in Los Angeles, Calif. She is in the 8th grade. She attended the Maryknoll College, Manila, Philippine Islands, for a period of 5 years and attended schools in Okinawa and in Tokyo, Japan, for 2 years. She is supported by her adoptive father. She has no relatives in the United States other than her mother and adoptive father.

Mrs. Maurice, nee Dorothy Arabia Talmadge, is a native of the Philippine Islands, born on October 4, 1922. She was admitted to the United States for permanent residence at San Francisco, Calif., on May 28, 1953. She was naturalized in United States district court, Los Angeles, Calif., on March 4, 1955.

Mr. Maurice is a native-born United States citizen. He served honorably in the United States Army from March 4, 1942, until February 5, 1946. After his discharge from the Army, Mr. Maurice was employed as a retail mercantile salesman in the Philippine Islands, Japan and Okinawa. He returned to the United States on September 26, 1953. He is presently residing in Tokyo, Japan, where he is employed as manager of the Tokyo branch of the Pan Pacific Co. He receives a salary of $600 per month, $300 of which he sends home each month for the support of his wife and the beneficiary. Mr. and Mrs. Maurice have assets consisting of an automobile, valued at $1,800, and savings in the amount of $2,000.

The beneficiary last entered the United States at San Ysidro, Calif., on February 16, 1954, illegally by entering without inspection. Mrs. Maurice testified that she had instructed the beneficiary to effect an illegal entry into the United States and that she, Mrs. Maurice, and her husband were waiting for the beneficiary in San Ysidro, Calif., on February 16, 1954, and immediately transported her to their home in Los Angeles, Calif. Deportation proceedings were instituted against the beneficiary on March 22, 1955, and her hearing is scheduled for April 28, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3189), as amended, should be enacted.

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Calendar No. 1016

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1009

LUISE PEMPFER (NOW MRS. WILLIAM L. ADAMS)

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3507]

The Committee on the Judiciary, to which was referred the bill (H. R. 3507) for the relief of Luise Pempfer (now Mrs. William L. Adams), having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 3, strike the number "(2)" and insert in lieu thereof the letter "(a)".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who has been convicted of crimes involving moral turpitude in behalf of the wife of a United States citizen serviceman. The bill has been amended to correct an error in drafting.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Germany who presently resides in that country. She is married to M. Sgt. William L. Adams, who has been on active duty abroad since 1943. The record discloses that the beneficiary was convicted on 2 occasions in March 1948 for the crime of theft due to need involving 2 yards of curtain material and a shirt. Without the waiver provided for in the bill the beneficiary will be unable to qualify for a visa to accompany her husband to the United States.

A letter, with attached memorandum, dated November 24, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and

Naturalization with reference to H. R. 722, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 24, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 722) for the relief of Luise Pempfer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of the files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such crime, and would grant the alien permanent residence if she is found to be otherwise admissible and provides exemption only to grounds of exclusion known to the Departments of State and Justice prior to its enactment. It should be noted that the bill makes reference to section 212 (2) (9) of the Immigration and Nationality Act rather than to section 212 (a) (9) which was apparently intended.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUISE PEMPFER, BENEFICIARY OF H. R. 722

Information concerning the case was obtained from the sponsor's relatives who reside in Pittsburgh, Pa.

The beneficiary, Luise Pempfer, a native and citizen of Germany, who was born March 16, 1929, at Lollar, Germany, is presently residing at 50 Edkauterweg, Giessen, Germany. There is no indication that she was ever in the United States.

According to the sponsor's mother, Mrs. Sadie Adams, 812 Anaheim Street, Pittsburgh, Pa., the beneficiary was refused an immigration visa because she had been convicted by the county court, Giessen, Germany, on May 25, 1948, for having purloined a shirt and that she was previously convicted for purloining a piece of curtain material. Mrs. Adams stated that the Army had refused permission for her son to marry the beneficiary but that he and the beneficiary have been living in a man-and-wife relationship and that two children have been born of that relationship.

No additional derogatory information was obtained concerning the sponsor. However, it should be noted that Matthew Cvetic, in his testimony before the House of Representatives Committee on Un-American Activities on March 14, 1950, identified the sponsor's sister, Ida Mae Adams, now Mrs. Jackson, as a member of the Communist Party and stated that he had attended at least two Communist Party functionary meetings with her. Mrs. Jackson admitted to a representative of this Service that she had been a member of the Communist Party out of curiosity and that she is now completely disassociated from it and that she at no time influenced politically any member of her family during the period of her membership.

The sponsor has been a member of the United States Army since May 13, 1943, and is presently a master sergeant. He has been on active duty abroad since 1943.

Since the files of this Service reflect no further information concerning the beneficiary, the committee may desire to make inquiry of the Department of State concerning her activities abroad.

Since submission of the above report, information has been received to the effect that the beneficiary has married Sergeant Adams.

Congressman Herman P. Eberharter, the author of the bill, submitted the following information in support of the bill:

AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, May 18, 1954.

Hon. HERMAN P. EBERHARTER,
House of Representatives.

MY DEAR MR. EBERHARTER: I acknowledge the receipt of your letter of May 3, 1954, regarding your endeavoring to obtain action by the Judiciary Committee of the House on H. R. 722, which you introduced for the relief of Luise Pempfer, the fiance of your constituent, William L. Adams, master sergeant, RA33820649, Headquarters Co. 27th T. Trk. Bn., now stationed in Germany, and requesting information regarding the status of Miss Pempfer's case.

The records of the consultate general do not show that Miss Pempfer has as yet registered for immigration to the United States. A pertinent dossier regarding Miss Pempfer reveals that on January 2, 1952, Headquarters Seventh Army, APO 46, United States Army, submitted the marriage dossier of Miss Pempfer for an opinion as to her admissibility to the United States in connection with her proposed marriage to Master Sergeant Adams and her eventual emigration.

An extract of her penal register revealed that Miss Pempfer was convicted on two occasions under paragraph 248a of the German Penal Code for theft due to need, by the Amtsgericht (district court) at Giessen in March of 1948. Since theft has been held to involve moral turpitude, the inquiring headquarters was informed on March 20, 1952, that on the basis of available information regarding Miss Pempfer, she appeared to be inadmissible to the United States if she were to apply formally for a visa. This procedure is followed in the cases of all members of the Armed Forces who wish to marry aliens abroad.

In connection with her convictions, I am enclosing the translations of the pertinent excerpts thereof.

Although the circumstances surrounding the thefts are of a trivial nature, you, no doubt, are aware that in reaching conclusions of law regarding an alien's eligibility to receive a visa for admission to the United States, consular officers abroad must be guided by the provisions of the laws and regulations of the United States. There is no discretionary authority vested in consular officers to issue immigrant visas to aliens who have admitted having committed or have been convicted of a crime involving moral turpitude, even though there may have been extenuating circumstances in connection with the commission of the crime and the alien's conduct since conviction has been exemplary.

You may be sure that in reaching a decision with regard to Miss Pempfer's present inadmissibility, the consulate general accorded her every consideration consistent with the existing immigration law and regulations.

Sincerely yours,

C. MONTAGU PIGOTT,
American Consul General.

[Translation]

File No. 8 Ds 532/48

IN THE NAME OF THE LAW

Court proceedings against Luise Pempfer, single, Protestant, born March 16, 1929, at Lollar, residing at No. 7 Goeffelstrasse, Weitershain, for theft due to need.

In the session of March 1, 1948, in which Assessor Sauer acted as district judge, Staatsanwalt (District Attorney) Dr. Breustedt as official of the prosecuting authority, and Justizangestellter (Employee of Justice) Juenger as recoding official of the court, the Amtsgericht (District Court) at Giessen came to the following decision:

The defendant was sentenced to pay a fine of RM80.00 (or to serve a prison term of 8 days) and to pay the costs of the proceedings for theft due to need (offense according to paragraph 248a of the Criminal Code). On February 26, 1948, she took two yards of curtain material from the American storehouse where she is employed with the intention of taking illegal possession of it. As a refugee, the defendant acted from necessity.

Costs: Paragraph 465 St. PO.

The defendant was advised of her right to appeal.

The defendant and the representative of the prosecuting authority declined to appeal.

s/ SAUER.

The fine and the costs of the proceedings were paid on March 2, 1948.

For the copy:

s/ PEPPLER.
Employee of Justice.

[Translation]

File No. 8 Ds 771/48

IN THE NAME OF THE LAW

Court proceedings aginst the housemaid Luise Pempfer, born March 16, 1929, at Lollar, residing at No. 7 Goeffelstrasse, Weitershain, for theft due to need.

In the session of March 25, 1948, in which Assessor Stuchly acted as district judge, Referendar Heumann as official of the prosecuting authority, and Justizangestellter (Employee of Justice) Fritz as recording official of the court, the Amtsgericht (District Court) Giessen came to the following decision:

The defendant was sentenced to pay a fine of RM150.00 (or to serve 15 days in prison) and to pay the costs of the proceedings, for theft due to need according to paragraph 248a of the Criminal Code. On March 24, 1948, she took a white shirt from the local American storehouse and the American Military Government requested her prosecution. The defendant admitted the offense. She was bombed out at Lollar. A previous conviction (she had to pay a fine of RM80.00 for stealing some curtain material) was considered as an aggravating factor.

Costs: Paragraph 465 of the St. PO.

The defendant was advised of her right to appeal.

The defendant and the representative of the prosecuting authority declined to appeal.

s/ STUCHLY.

The fine and the costs were paid on March 30, 1948.

For the copy:

s/ PEPPLER,
Employee of Justice.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3507), as amended, should be enacted.

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Calendar No. 1017

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1010

MR. GINO EVANGELISTA

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3726]

The Committee on the Judiciary, to which was referred the bill (H. R. 3726) for the relief of Mr. Gino Evangelista, having consideredthe same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Italy who presently resides in that country. He was married to Frances Mary Ragusi Evangelista, a United States citizen, on January 22, 1949. They now have one citizen child. The beneficiary has been denied a visa inasmuch as he was convicted on May 13, 1948, for the theft of two mules. He was sentenced to 1 year and 10 months imprisonment and a fine, but the penalty was subsequently reduced to 7 months and a smaller fine. Without the waiver provided for in the bill, the beneficiary will be unable to join his wife and child in the United States.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3726) for the relief of Mr. Gino Evangelista, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or who admit the commission of crimes involving moral turpitude, and would grant the alien admission into the United States for permanent residence if he is found to be otherwise admissible. It also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MR. GINO EVANGELISTA, BENEFICIARY OF H. R. 3726

Mr. Gino Evangelista was born in Crognaleto, Italy, on July 6, 1926, and is a citizen of Italy. He married Frances Mary Ragusi Evangelista, his first cousin and a native-born citizen of the United States, in Italy on January 22, 1949. One child, Joseph Michael, was born of this marriage on February 21, 1955, at Evanston, Ill. Wife and child are residing at 1632 Mt. Pleasant Street, Northfield, Ill. Prior to the birth of the child the beneficiary's wife was self-supporting but she has now applied for and has been granted public relief in the amount of $42 per month. They are not being supported by the beneficiary who is presently residing with his father at Poggio Umbricchio, Teramo, Italy.

The beneficiary's education consists of about 3 years of grammar school in Italy. He is apparently not employed, has no assets, and earns his livelihood by working on his father's farm. His parents and two brothers reside in Italy.

Mr. Gino Evangelista has never been in the United States. His wife states that he was denied an immigrant visa by the American consul in Naples, Italy, in 1949 because he had been convicted of a crime involving moral turpitude. This crime apparently occurred in 1948 when the beneficiary and a companion took two mules from another party without the owner's consent. Upon returning the mules to the owner they were arrested and placed in jail where they remained for about 10 months before being accorded a trial. Following the trial the beneficiary was sentenced to 22 months' imprisonment, but he appealed his case and the court lowered the sentence to 7 months' imprisonment and released him on 5 years' probation, which he has apparently completed to the satisfaction of the court. The committee may wish to make inquiry of the Visa Office of the Department of State for additional information in this connection.

The beneficiary was a member of the Italian Army for a period of about 2 years following the close of World War II.

It appears that the private bill was introduced through the efforts of the beneficiary's wife and her father, Pasquale Ragusi, who states that the beneficiary is assured employment doing various types of road work at a salary of at least $2.37 per hour if he is permitted to enter the United States.

The Director of the Visa Office, Department of State, submitted the following report dated March 21, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, March 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the visa case of Mr. Gino Evangelista, beneficiary of H. R. 3726, 84th Congress, 1st session.

An examination of the court records transmitted by the American consulate general at Naples, Italy, in the case reveals that Mr. Evangelista was convicted by the court of Teramo on May 13, 1948, for stealing two mules in violation of section 624, of the Italian Penal Code. The records further show that Mr. Evangelista was sentenced to 1 year and 10 months imprisonment and was fined 2,500 lire, the said penalty having been reduced to 7 months and 4 days and 1,334 lire fine and suspended by the Court of Appeals of Aquila on August 12, 1954.

As theft has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act the consular officer concerned had no choice other than to find Mr. Evangelista ineligible to receive a visa under the above-cited provision of law.

Since the value of the property at the time of the theft was more than $100 in United States currency the provisions of section 4 of Public Law 770, 83d Congress, 2d session, were found not to be applicable in Mr. Evangelista's case.

At this time the Department has no knowledge of any factor in Mr. Evangelista's case, other than the information hereinbefore cited, which would render him ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Evangelista from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

Representative Marguerite S. Church, the author of the bill, submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 20, 1955.

Hon. RUTH THOMPSON,
House Office Building,
Washington 25, D. C.

DEAR JUDGE THOMPSON: As you know, I introduce very few private bills for reasons well understood by both of us.

This year, however, due to my personal interest in a young mother and child whom I have known over a period of years, I did introduce H. R. 3726 for the relief of Mr. Gino Evangelista.

I have just received from Mr. Celler a copy of the Justice Department report on this young man. Very briefly, this is the case where a young woman of a very good Italian family, in moderate but sustained circumstances, married her first cousin on a trip to Italy on January 22, 1949. Her husband was denied an immigrant visa in Naples in 1949 on the ground that he had been convicted of a crime involving moral turpitude. The charge was based on an incident which the family describes as an innocent—and at the very worst thoughtless—borrowing of two mules from a neighbor on a day when the owner was not immediately available to give his consent. When Gino Evangelista and his companion who had "borrowed" the mules returned the mules to the owner, who was furious, they were arrested and placed in jail for about 10 months before even being accorded a trial. Following the trial, the beneficiary of my bill was sentended to 22 months in prison; but on appeal the sentence was lowered to 7 months; and he was released on 5 years' probation. He completed the probation period to the complete satisfaction of the court in charge.

The young woman, whom I have known personally for some time, has since had a beautiful child. The birth of the child caused her to give up her own employment, and she has this winter been forced to ask for relief. She and her father—who represent the highest grade of Italians in a very humble but self-respecting neighborhood—state that the husband would receive employment if he is permitted to enter the United States.

I wonder if you would be willing to study the circumstances of this case and ask the committee to weigh, if necessary, the benefit to the community as well as to the mother and baby of having a united family.

With best wishes always, I am,

Sincerely yours,

MARGUERITE STITT CHURCH.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3726) should be enacted.

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Calendar No. 1018

84TH CONGRESS, 1st Session — SENATE — REPORT No. 1011

MARGARETHE BOCK AND HER SON, ROBERT HARALD BOCK

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4468]

The Committee on the Judiciary, to which was referred the bill (H. R. 4468) for the relief of Margarethe Bock, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

Amend the title to read:

A bill for the relief of Margarethe Bock and her son, Robert Harald Bock.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the fiance and minor child of a citizen of the United States to enter the United States so that the fiance may marry her citizen fiance and that thereafter she and the child may reside in the United States. The bill also waives the excluding provision of existing law relating to one who has been convicted of crimes involving moral turpitude in behalf of Margarethe Bock. The bill has been amended to include the name of the minor child in the title of the bill.

STATEMENT OF FACTS

The beneficiaries of the bill are 21- and 10-month-old natives and citizens of Austria and they are the fiance and child of Harry J. Trahan, a United States citizen and honorably discharged veteran of our Armed Forces. Mr. Trahan became engaged to the adult beneficiary while stationed with our Armed Forces in Austria. Permission to marry was denied inasmuch as the adult beneficiary was convicted

on February 21, 1949, for the theft of items of clothing and a watch and again in 1950 for the theft of certain articles of clothing. Mr. Trahan hopes to effect the entry of the beneficiaries of the bill so that he may marry his fiance and provide a home for his son.

A letter, with attached memorandum, dated June 14, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4468) for the relief of Margarethe Bock, and her minor child, Robert Harald Bock, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New Orleans, La., office of this Service which has custody of those files.

The bill would provide that, notwithstanding the excluding provisions of section 212 (a) (9) of the Immigration and Nationality Act with respect to the adult beneficiary's conviction of crimes involving moral turpitude, she and her child may be issued nonimmigrant visas and admitted to the United States for a temporary period of 3 months provided that the administrative authorities find that the said Margarethe Bock is coming to the United States with a bona fide intention of being married to the interested pary, Harry J. Trahan, a citizen of the United States.

In the event that the marriage between the above-named persons shall occur within 3 months after entry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the beneficiaries as of the date of the payment by them of the required visa fees. The bill would further provide that, in the event the marriage between the above-named persons does not occur within 3 months after entry, the beneficiaries shall be required to depart from the United States and upon failure to do so shall be deported in accordance with provisions of sections 242 and 243 of the Immigration and Nationality Act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGARETHE BOCK, AND HER MINOR CHILD, ROBERT HARALD BOCK, BENEFICIARY OF H. R. 4468

The beneficiaries reside in Salzburg, Austria, and have never been in the United States. Information concerning them was obtained from the interested party, Mr. Harry J. Trahan, who is the fiance of the adult beneficiary and the father of the minor beneficiary.

Margarethe Bock was born on April 8, 1934, in Salzburg, Austria of which country she is a citizen. Her child, Robert Harald Bock, was born on September 11, 1954, at Salzburg, Austria. The occupation of Margarethe Bock is that of a housemaid. She has never been married but while the interested party, Mr. Trahan, was a member of the United States Army stationed in Salzburg, Austria, he and the beneficiary, Margarethe Bock, lived as man and wife from which relationship the beneficiary, Robert Harald Bock, was born. Both the beneficiaries are supported by the interested party, Harry J. Trahan.

Margarethe Bock is excludable from admission to the United States by reason of her conviction of crimes involving moral turpitude. She was convicted on February 21, 1949, for the theft of items of clothing and a watch as a result of which she was sentenced to 1 month's confinement and placed on probation. In 1950 she was again convicted for the theft of certain articles of clothing and sentenced to 6 weeks' confinement.

The interested party, Harry J. Trahan, was denied permission by his commanding officer in November 1953, to marry Margarethe Bock because she was inadmissible to the United States. Mr. Trahan has been subsequently honorably

discharged from the United States Army and is presently employed by the Western Geophysical Co. in Tallulah, La. In the event the beneficiary, Margarethe Bock, is permitted to come to the United States, the interested party, Harry J. Trahan, will marry her and reside with the beneficiaries at Tallulah, La.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information relating to this case.

Congressman Edwin E. Willis, the author of the bill, submitted the following information in support of the bill:

HEADQUARTERS, UNITED STATES FORCES IN AUSTRIA,
OFFICE OF THE COMMANDING GENERAL,
APO 168, United States Army, February 16, 1954.

AG 201—Trahan, Harry J. (enlisted) GAP.

Hon. EDWIN E. WILLIS,
House of Representatives,
Washington 25, D. C.

DEAR MR. WILLIS: I am writing in further reference to your letter of January 6, 1954, in which you requested a review of the application of Cpl. Harry J. Trahan to marry Miss Margarethe Bock.

As indicated in my interim reply of January 21, I directed my adjutant general to conduct an impartial review of the circumstances surrounding Miss Bock's convictions of violation of the Austrian Criminal Code, on the basis of which the United States consulate rendered a preliminary opinion that she is not admissible to the United States. Police and court records have again been screened, the background investigation has been extended, and both Corporal Trahan and Miss Bock have been interviewed.

Rather than to attempt in this letter a summary of my adjutant general's report, I am enclosing a copy of his memorandum. It is obviously impossible to determine positively what is right and just in matters of this kind, but I feel that the enclosed memorandum states the case as fairly and impartially as possible. I hope that the information will be of service to you and that you will call on me if more is needed.

Sincerely yours,

W. H. ARNOLD,
Lieutenant General, United States Army, Commanding.

SARALAND, ALA., *May 14, 1954.*

To Congressman EDWIN E. WILLIS.

DEAR SIR: My name is Harry J. Trahan. I would appreciate it very much if you could help me with my problem.

I was drafted into the Army on May 21, 1951. When I finished my basic training and schooling I was sent to Austria. While I was there I fell in love with an Austrian girl named Margarete Bock. She is from Salzburg, Austria.

I met her on March 7, 1952, and after 9 months of going steady I asked her to marry me and she accepted.

I submitted my papers for processing through the Army channels and waited. On March 16, 1953, I was alerted for shipment to return to the Zl for discharge. At the time my mother was in poor health and still is. I have doctors' reports to substantiate this fact.

Loving the girl like I do I extended my tour of duty for 1 year. In the course of time my papers were returned disapproved because she had committed two crimes involving moral turpitude.

To let you know the state of conditions leading up to the arrest and conviction of my fiance I would like to state these facts.

Herr Theador Aicher, my fiance's father works for the Landes Heilanstalt, a hospital for the insane. His job is equivalent to a male secretary. His pay is 800 shillings or $33.25 per month. With three children, his wife and himself to feed and clothe it is hard indeed. Very seldom is meat or vegetables seen on their table, their chief food is brown bread, butter and potatoes. Sometimes that is all they have three times a day. Right after the war and the following years it was even worse than it is now. This is not just one family, but the majority of the people in Austria.

In January 1949 my fiance was working as a housemaid. She was 14 years of age. After a pair of stocking hung in the cellar for sometime where she was working she took them because she was cold. A discarded wristwatch, no longer serviceable was taken, also. When the family she was working for confronted her she admitted taking said items. Immediately she was reported to the police, tried, and convicted of theft. The sentence was 1 month confinement.

In November 1949, my fiance was arrested for theft, fraud, and suspicion of illegal prostitution. She had stolen two children's jackets and a doll. She was then placed in jail for 6 weeks. I would like to state that any woman or girl that even goes out with a GI in Austria is looked down upon as a prostitute by the civilian population. Most of this is jealousy because they know the girls are living better than they are.

I have gone to the Austrian police and tried to get court records to these two cases but they said it is impossible. No information can be given. Due to this fact I have no proof to what I have just written other than my fiance's word. The Austrian stands for as such, "Guilt until proven innocent."

I am not trying to put my fiance in good light. She did commit these crimes, but should a child be condemned a whole life because she made a mistake. If you could speak to her I'm sure you would see how sorry she is for what she has done. Her records does not have a blemish on it since November 1949.

Why is it that convicts can come out of prison and start life anew and nothing is said. Why is it that prostitutes can come out of the workhouse and get married and settle down and nothing is said. Is it simply because they are Americans?

In the 2 years I have lived with her, she has always been kind, gentle, and good The type of woman that I would want as my wife and the mother of my children. Obviously, the only reason for her past conduct was the poor living standard and extreme poverty.

I stayed an extra year to be with her and get married, even though I knew I might never see my mother again. At this time we are expecting a baby in August. I know that what we have done is wrong in the eyes of God and my fellow Americans. We are both Roman Catholics. I know that God will forgive us for our love is true and lasting. Is it not possible then that someone with forgiveness in their heart can help me in obtaining a visa for her? Please give us a chance, give me a chance to happiness, give her a chance to prove that she can be a good, true, and honest American.

I don't want my child to suffer the hardships my fiance had to endure. If I should not be allowed to bring my finace to America and marry her, then I shall return to Austria. There I will marry her and try to make a living if possible. I know I would be happy, no matter where. Just as long as she and my baby are with me. I don't feel that I should pay this price for loving her, I know that I could never make a living at $40 per month, as the average civilian does.

I have been told that I could have the baby brought to America if I wanted to. How cruel can a man get when he takes a baby away from its mother and separate a mother from her first born, I could never be happy again knowing that I love her so much and then doing such a cruel thing.

All the records you have concern her past, is it not possible that a person can change when they see that what they are doing is wrong? She has changed, please take my word for it. I am not a kid anymore, I'll be 24 years of age in August 1954. If she was not good I would not be asking someone to help me get her here so that we could be married.

I have $500 saved up, if possible I would post a bond for her to come to the States. One officer stated that my feelings for Miss Bock was mostly protective. Show me a man that loves someone that does not try to protect them.

America is a free country. Please expend a little freedom in our case. Give us one chance, is all I ask. Your trust will not be betrayed. I know that I am not wrong and that I will do anything that will help me obtain a visa.

I will greatly appreciate any and all help you can give us. Enclosed you will find the following documents: Oath of extension of service; statement concerning Miss Bock's condition; I am awaiting character references for Miss Bock from American people abroad in Austria who have known us personally. Will send them as soon as possible.

Thanking you in advance, I am anxiously awaiting your reply.

HARRY J. TRAHAN.

HEADQUARTERS, UNITED STATES FORCES IN AUSTRIA,
APO 168, United States Army, February 10, 1954.

Memorandum for the commanding general.
Subject: Trahan-Bock marriage case (inquiry from Hon. Edwin E. Willis).

1. In accordance with your instructions, I have tried to impartially and fairly review the marriage case of Cpl. Harry J. Trahan and Miss Margarethe Bock. I have personally interviewed Miss Bock and have discussed the problems at length with Corporal Trahan. Court and police records were screened again and the background investigation of Miss Bock was extended; but only a limited amount of additional information was available. In setting down the results of this review I will try to draw a sharp distinction between hard facts (as taken from official records), the opinions of various informants, and my own opinions and impressions gained in interviews with the principals.

2. *Facts.*—(*a*) On February 21, 1949, Miss Bock was convicted in land court Salzburg of violation of part 1, chapter 21 (larceny and embezzlement), paragraph 171 (larceny), and paragraph 176 IIa (larceny in respect to an amount exceeding 50 schillings) of the Criminal Code of Austria. The files of the Federal police, Salzburg, reveal the following in reference to this case: On January 8, 1949, Bock was accused of having stolen a pair of shoes and wristwatch which totaled 150 Austrian schillings in value. Bock denied having stolen the shoes, but did admit having stolen the watch and a pair of stockings, which were missed when a search was made to determine if anything else was missing. The watch and stockings were found in the apartment of Bock's parents. Bock was sentenced to 1 month's confinement.

(*b*) On December 18, 1950, Miss Bock was convicted in district court, Salzburg, of violation of part 2, chapter 11, paragraphs 460, 461 (including paragraphs 197 and 183, pt. 1), 312, and 468 of the Criminal Code of Austria. Paragraph 460 pertains to minor theft, 461 to minor embezzlement, 197 to fraud, 183 to the withholding or appropriating of any goods entrusted to the individual and of a value exceeding 500 schillings, 312 to insulting a public official while engaged in the execution of an official order, and 468 to malicious damage. With respect to this case the files of the Federal police, Salzburg, show that: On November 6, 1949, Bock was arrested by the gendarmarie, St. Johann im Pongau, Land Salzburg, Austria, because of theft, fraud, and suspicion of illegal prostitution. Bock had stolen 2 children's jackets worth 100 schillings and a doll worth 82 Austrian schillings. Additional charges were that subject insulted a public official and broke windows in the jail.

3. *Opinions.*—Various persons in Salzburg, and St. Johann were interviewed in connection with the background investigation of Miss Bock, following submission of the original marriage application. The reliability and credibility ratings of the informants is generally low and individually their statements have little evidential value. Credidibility is increased somewhat by the fact that the statements are generally consistent. They describe a young woman of low moral reputation, with a tendency to appropriate the property of others (two mentioned Kleptomania), who has never been steadily employed but who has lived off money obtained from soldiers, who has been pregnant several times but has either induced miscarriage or obtained an abortion. She is also described as quick tempered, untruthful, and lazy.

4. *Impressions and opinions derived from interview.*—The following impressions and opinions are my own, based on personal interviews with Corporal Trahan and Miss Bock. I tried to be impartial in my judgments but these are the opinions of only one man and should be weighed accordingly.

(*a*) Corporal Trahan is a clean-cut, personable, and manly young soldier. He appeared at ease, frank, and sincere in his discussions with me and made a generally good impression. There is no doubt that he is genuinely interested in Miss Bock, but I have the impression that his feeling for her is largely protective.

(*b*) Miss Bock does not look the part of the camp follower or "amimaedchen" which various persons alleged her to be. She is very small, plain of face and figure, and appears frail and delicate. She was well dressed and presented a favorable appearance.

(*c*) Discussion with Miss Bock developed the impression of an emotionally unstable and immature person, but possessed of a certain cunning. When questioned about the charges under which she was convicted, and about a mysterious trip to Vienna which she alleged she made under escort of an Austrian policeman, she appeared to me to be purposely vague and reticent. When pressed for facts she became emotional and veered into a tearful description of her wartime mis-

fortunes. Although the emotion appeared to be genuine, I had the feeling that the tears were nevertheless artfully used.

(*d*) Miss Bock denied the thefts for which she was convicted in 1950 and excused the theft of watch and stockings in 1949 because she was "cold and hungry." This excuse appears to be inconsistent with the fact that she was employed as a housemaid, had a room, and that the articles stolen are not such as normally would be taken in desperation. Previously, when I had asked Corporal Trahan if he felt that she was innocent of the charges under which she was convicted he said "No" but that he was impressed because she had frankly admitted the thefts to him and expresses sorrow.

(*e*) Under provisions of paragraph 5b, AR 600–240 an oversea commander can, as an exception to policy, approve a marriage such as this when both parties thereto signify in writing their understanding that the alien may not be admissible to the United States. I took the liberty of telling Corporal Trahan that his application could be approved under these conditions, but that it would not change or reduce any requirement of the Immigration Act. I pointed out that the consulate was not likely to reverse its position unless some extraordinary new information was forthcoming, and that Congressman Willis, although very interested in Trahan's welfare, had not yet decided on introducing a private bill. I strongly urged him to return to the United States unwed, and then return here to marry Bock if and when her admission was assured, or if his return was dictated by other events. I asked if it was his intention to marry Bock regardless of whether she ever entered the United States and his reply was negative. He signed a statement to the effect that he did not intend to ask for approval under the above-cited regulation, but I informed him that his statement was not binding and that he was privileged to change his mind.

(*f*) Corporal Trahan's term of service expires on March 17, 1954. He was originally scheduled to leave here on February 12, 1954, by ship, but we have arranged to fly him back about March 1, 1954, so as to give him the maximum time to conclude his affairs here.

(*g*) If Corporal Trahan were my son I would try to dissuade him from this marriage, for I do not feel that this young woman will bring him lasting happiness. I could be wrong; his instincts and feelings, and his long continued and intimate association may be a better guide than my superficial observation and acquaintance.

M. C. PERTL,
Lieutenant Colonel

(For and in the absence of E. W. Bosgieter, Colonel, AGC, Adjutant General).

The committee, after consideration of all the facts in the case, is o the opinion that the bill (H. R. 4468), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 1012

MARY FREIDA POELTL SMITH

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 223]

The Committee on the Judiciary, to which was referred the bill (S. 223) for the relief of Mary Freida Poeltl Smith, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 3, following the words "provisions of", insert the following:

paragraphs (9) and (12) of.

2. In line 7, change the period to a colon and add the following:

Provided, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Austria who married a United States citizen on May 5, 1947, in Canada. She presently resides with her husband and three United States citizen children in Windsor, Ontario, Canada. The husband is employed in Detroit, Mich. The beneficiary has never had resi-

dence in the United States, although she was deported on September 21, 1945, as one who entered without proper documents and as an immoral person. Without the waiver provided for in the bill she will be unable to enter the United States for residence.

A letter, with attached memorandum, dated June 23, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 23, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 223) for the relief of Mary Freida Poeltl Smith, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been arrested and deported as prostitutes.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARY FREIDA POELTL SMITH, BENEFICIARY OF S. 223, 84TH CONGRESS

Mary Freida Poeltl Smith, alias Bonnie Dukes, a native and citizen of Austria, was born on September 17, 1926. She was married on May 5, 1947, to Bernard James Smith, a citizen of the United States, and presently resides with him and their three children at 1038 Pelissier, Windsor, Ontario, Canada. She is unemployed and has no income or assets.

The beneficiary completed elementary school. Her mother and sister reside in Canada. She has no close relatives in the United States.

The beneficiary has never had a residence in the United States, although she was deported to Canada from Seattle, Wash., on September 21, 1945, on the ground that she entered the United States without proper documents; was a prostitute at time of entry; and entered without permission within 1 year after exclusion. She does not appear to be eligible for any form of administrative relief at this time.

Subsequent to her deportation from the United States in 1945, the beneficiary was convicted of keeping a disorderly house at Victoria, British Columbia, Canada, on March 3, 1947, and sentenced to 30 days.

The beneficiary's husband, the sponsor of the bill, is employed in Detroit, Mich., earning $4,000 to $5,000 per year. He has indicated he will continue to support her if she is permitted to enter the United States.

Senator Dennis Chavez, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
July 1, 1955.

Hon. HARLEY M. KILGORE,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: In answer to your letter of June 28, I am attaching hereto a copy of a letter from Hon. W. A. Keleher, attorney at law, Albuquerque, N. Mex., detailing the circumstances surrounding the case of Mary Freida Poeltl Smith, for whom I introduced S. 223.

I think this letter sets out in sufficient detail the need for this special legislation. From it you will see the hardship being worked on the husband of Mrs. Smith and their three children, all of whom are American citizens.

The writer of the attached letter is an attorney of the highest standing in my home State and you can definitely rely on whatever statements he makes.

Thank you for your prompt interest and assistance on the matter.

Sincerely,

DENNIS CHAVEZ,
United States Senator.

SEPTEMBER 21, 1954.

Hon. DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Referring to previous correspondence, and our conversation in Albuquerque on September 16, please be advised as follows:

The name of the person is Mary Freida Poeltl (now Smith), who was born in Gissing, Austria, February 17, 1926. She came to Canada on April 28, 1929. Her father died July 31, 1931. Her entry into the United States from Canada has been refused because of alleged illegal entry and an alleged morals charge.

James Smith (now the husband of Mary Freida Poeltl Smith) was born on a farm near Mason City, Iowa, on or about April 5, 1925. James Smith was inducted into the United States military service at Fort Snelling, Minn., on August 11, 1946, and honorably discharged from the service on May 1, 1947. He took basic training and served at Camp Crowder, Mo., as a basic instructor until June 1, 1946, when he was moved to Camp Polk, La., where he was also an instructor, until about August 31, 1946. At that time he was with Company E 33d training BITG. He was then sent to Fort Lewis, Wash., where he served with the Sixth Army in Madigan General Hospital, in the postal branch until his discharge.

James Smith was married to Mary Freida Poeltl in St. Mary's Church, Vancouver, British Columbia, on May 5, 1947. Of the marriage there have been born the following children: Bernard Leo Smith, born July 3, 1949, at Vancouver, British Columbia; Karen Loretta Smith, born April 17, 1952, at Winnipeg, Manitoba; Mary Ann Bernadette Smith, born May 23, 1953, at Windsor, Ontario.

It is my understanding that the subject was deported in September 1945, immediately after she had crossed the border at Blaine, Wash., at which time she was arrested and pleaded guilty to charges of illegal entry and to moral charges. The place of deportation was Seattle, Wash. (September 1, 1945), after being held there for about 6 weeks for deportation. She was charged by Canadians in Victoria, British Columbia, on a morals charge in January 1946, and pleaded guilty (probably an outgrowth of the charge at Blaine, Wash., but uncertain as to this). A record of these charges was sent at the time of her application for entry into the United States, and are probably on file in Washington, D. C., with the other papers.

As you will see from the foregoing, Mary Freida Poeltl (now Smith) was probably a victim of circumstances. Smith married her in good faith at a time when she was 21 years of age, and he was 22 years of age. Ever since, they have lived together as husband and wife. Three children have been born of the marriage. James Smith, the husband, has worked to support his family, and has relatives in the United States who will sign any commitment to the effect that if Mary Freida is admitted, that she will not become a public charge.

In our discussion in Albuquerque, we went over the ground in regard to reforming of character and rehabilitation. James Smith is a nephew of Mrs. Keleher, and she has unbounded confidence in the young man, believing that he has sufficient strength of character to carry on and make a continued success of his marriage, whether he is obliged to live in Canada, or be permitted to live in the United States. Naturally, he prefers to live in the United States, and enjoy the things that he has inherited because of his American citizenship. His people, on both sides, have been in the United States for 150 years. He wishes to have his children, if at all possible, reared in the United States, and eventually become American citizens.

With the above outline before you, I would appreciate it if you will again take this matter up with the proper officials in Washington. As I told you, I will come to Washington and go to any department head with you to plead the case in person. We are grateful to you for your kind and friendly interest, and assure you that such interest is appreciated to no end.

I am sending a carbon of this letter herewith, so that you may forward it, if appropriate, to the proper person.

With every good wish and kindest regards, I am

Yours very truly,

W. A. KELEHER.

P. S.—I expect to forward to you within the next week some pictures of James Smith and his family.

W. A. K.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 223), as amended, should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 1013

DOLORES MARIA SEIJO

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 509]

The Committee on the Judiciary, to which was referred the bill (S. 509) for the relief of Dolores Maria Seijo, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, following the word "Maria", insert "Gandiaga, nee".
2. Amend the title of the bill to read:

A bill for the relief of Dolores Maria Gandiaga, nee Seijo.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dolores Maria Gandiaga, nee Seijo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native and citizen of Spain who entered the United States at New York on June 10, 1953, as a visitor. On September 23, 1954, she married a lawful resident alien of the United States who was also born in Spain. Prior to her marriage she had been residing in Battle Mountain, Nev., with a relative. The beneficiary stated that during the Spanish civil war, the Government of Spain confiscated all that was left of the family property after

bombing had practically destroyed it. Her mother is deceased and her father resides in Spain.

A letter, with attached memorandum, dated July 26, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3228 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 26, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3228) for the relief of Dolores Maria Seijo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As a native and citizen of Spain, the beneficiary would be chargeable to the quota of Spain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING DOLORES MARIA SEIJO, BENEFICIARY OF PRIVATE BILL S. 3228

The beneficiary, Dolores Maria Seijo, is presently residing at the home of Mrs. Jesusa Saval, at Battle Mountain, Nev. She was admitted to the United States at New York on June 10, 1953, as a visitor, and has been granted extensions to May 26, 1954. She has never been in the United States previously, and states that her true name is Marie Dolores Seijo. It is noted that the names are apparently transposed in the private bill. Beneficiary was born August 11, 1916, at Guernica, Spain, and is a citizen of that country. She has never been married. Her mother is deceased, and her father, Gabino Seijo, now resides in Guernica, Spain. She states that she has the equivalent of a high-school education, and has never been employed on a salary basis.

Prior to the Spanish civil war, her father operated a large clothing and shoe store in Guernica, and they were, she states, in good financial condition. She states that during the Spanish civil war, the present government of Spain confiscated all that was left of the family property after bombing had practically destroyed it, and she went to live with a sister. She states her family were members of the Spanish Nationalistic Party, but she denies that she has ever been a member of the Communist Party or any other organization other than the Catholic Church. She claims she has never been arrested. Mrs. Jesusa Saval stated she has been sending about $100 per year for the support of the subject and they they have also sent some used clothing. Mrs. Saval will keep the beneficiary in her home and treat her as a member of the family. She will support her. Mrs. Saval claims to have an annual average income of between $50,000 and $60,000. She has no one dependent upon her for support. The beneficiary has no property or assets anywhere. The committee may desire to contact the Department of State for information concerning the subject, in view of her statements that the family property was confiscated during the Spanish civil war by the Franco regime.

A letter dated November 4, 1954 to the then chairman of the Senate Committee on the Judiciary from the Director of the Visa Office, Department of State, reads as follows:

NOVEMBER 4, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR LANGER: Reference is made to your letter of August 3, 1954, the receipt of which was acknowledged by telephone, concerning Dolores Maria Seijo, the beneficiary of S. 3228, 83d Congress, 2d session.

With regard to the alleged confiscation of Miss Seijo's family property in Spain, the American consulate at Bilbao, Spain, has reported, as follows:

"Mr. Gabino Seijo, the father of the subject, possessed a certain amount of property in Guernica enabling him to live very comfortably until the civil war. He owned two houses which he rented out, a factory which produced a local kind of canvas shoe called an alpargata and a factory producing textiles. During the German bombardment of Guernica in 1936, all of the buildings were completely destroyed and he no longer received any income from his property. Some time after the taking over of Guernica by the Franco forces, a central government agency began construction of apartment houses on Mr. Seijo's property without his permission. In 1944, Mr. Seijo was informed that he would be paid compensation for the property taken over but as yet he has not received any money.

"Mr. Gabino Seijo now lives in the fishing part of Ea, Vizcaya, in a small apartment with his other daughter and her husband. If Miss Seijo's father receives adequate compensation for the property he has lost, the family may be expected to be well off. If not they will continue to have very limited means."

The consulate reports further that a temporary visitors visa was issued to Miss Seijo on May 12, 1953, on the basis of her statements that she intended to visit Mrs. Jose Saval, the mother of her brother-in-law, at Elko, Nev., and return with her to Spain.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

A further report dated April 18, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 18, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: This refers to report furnished by this Service to the committee on June 16, 1954, relative to Maria Dolores Gandiaga nee Seijo, beneficiary of private bill S. 3228, 83d Congress.

Mrs. Gandiaga is now the beneficiary of S. 509, 84th Congress. The following additional information has been received concerning this beneficiary: On September 23, 1954, at Boise, Idaho, subject beneficiary married Damian Gandiaga, a lawful resident alien.

Sincerely,

———— ————, *Commissioner.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 509), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 1014

ELSA ALWINE LARSEN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 518]

The Committee on the Judiciary, to which was referred the bill (S. 518) for the relief of Elsa Alwine Larsen, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 3, change the word "paragraphs" to "paragraph"; strike the word "and".
2. In line 4, strike "(10)".
3. In line 7, change the period to a colon and add the following:

Provided, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen. The bill has been amended to eliminate reference to section (10) which is not applicable.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Germany who is married to a United States citizen former member of our Armed Forces. Prior to their marriage they lived together in a common-law relationship during which time two children were born to them. The beneficiary already had one child by a former marriage, which child has been legally adopted by her present husband. The

beneficiary was convicted of stealing ration coupons, food and clothes in 1944. She was again convicted in 1946 for the theft of soap, skin cream and clothing. The beneficiary's husband has returned to Europe to be with his wife and children since his discharge from the Army. Without the waiver provided for in the bill, she will be unable to enter the United States.

A letter, with attached memorandum, dated June 15, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 518) for the relief of Elsa Alwine Larsen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of the Immigration and Nationality Act relating to the exclusion of aliens who have been convicted of, or admit the commission of crimes involving moral turpitude; or have been convicted of two or more offenses, regardless of whether the offenses involve moral turpitude, for which the aggregate sentences to confinement actually imposed were 5 years or more.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELSA ALWINE LARSEN, BENEFICIARY OF S. 518

Elsa Alwine Larsen, also known as Elsa Alwine Schoen and Elsa Alwine Eck, was born in Worth, Rhein, Germany, on March 10, 1923. She is a citizen of Germany.

The beneficiary was married to Walter D. Larsen, a citizen of the United States, on April 23, 1954, in Switzerland. She has three children, one of which was the issue of her prior marriage, which ended in divorce. This child was adopted by her present husband in a German court in December 1954. Two children were born while the beneficiary resided with Walter D. Larsen in a common-law relationship prior to their marriage.

The beneficiary resides at Newschlos Str. 2, Lamphertheim, Germany, and is unemployed. She is a high-school graduate and has completed a 3-year course in sculpture. Her parents and a brother reside in Germany where she has always lived.

Mrs. Larsen was found ineligible to receive a visa by a United States consul in Germany because of a criminal background. Information as to the crime or crimes committed is not available. The committee may desire to make inquiry of the Visa Office of the Department of State for further information in this connection.

Walter D. Larsen, the party interested in the bill, was born at Farmingdale, S. Dak., on July 10, 1932. He served in the United States Army from September 1950 to September 1954. He was stationed in Germany from June 1951 to May 1954. After being discharged from the Army in September 1954, he returned to Germany where he is presently residing with the beneficiary and their children.

Senator Francis Case, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
Washington, D. C., June 17, 1955.

Memorandum to: The Honorable Harley M. Kilgore, Chairman, Committee on the Judiciary, United States Senate.

From: Senator Francis Case.

Re: S. 518, for the relief of Elsa Alwine Larsen.

Mrs. Elsa Alwine Larsen, wife of Walter Douglas Larsen, Farmingdale, S. Dak., was born March 10, 1923, at Rheinland-Pfalz, Germany.

Walter D. Larsen met his wife while stationed in Germany from June 1951 to May 1954 as a member of the United States Armed Forces.

Efforts to secure military approval for permission to marry were started shortly after Walter D. Larsen met Elsa Alwine Schon. Since approval was not readily granted, they began to live together as man and wife.

Since his period of enlistment was running short and he was to be returned to the United States late in May 1954, they went to Basle, Switzerland, and were married there on May 10, 1954. Mr. Larsen returned to the United States later in May 1954 without his family.

An immigration visa was refused to Mrs. Larsen because of conviction on minor charges in the postwar period. Since Mrs. Larsen and the children were not able to come to this country, Mr. Larsen returned to Germany to be with his family, and is now employed there, pending clearing of his wife's status so that she and the children can come to this country where they can make their home and be together.

There are three children in the family: Marie Luise Larsen, born July 5, 1947, Walter Albin Larsen, born February 21, 1952, and Roy Douglas Larsen, born December 16, 1953.

Attached hereto are letters and supporting data which I trust will be helpful to the committee, consisting of—

1. Certified photostatic copy of birth certificate of Walter D. Larsen.
2. Photostat of marriage certificate of Walter D. Larsen and Elsa Alwine Schon.
3. Letter from Albin Larsen and family, Farmingdale, S. Dak., father of Walter D. Larsen, requesting assistance for his son and family.
4. Letter from Dr. Wulsten, attorney at law, Heidelberg, Germany.
5. Additional information from Dr. Wulsen provided in a second letter.
6. Letter from Wilhelm Fiegler, head of the Inner Mission of the Protestant Church, Baden, Germany.
7. Letter (written in German) from Willi R. Koch, Giessen, Germany.
8. Translation of Willi R. Koch letter (No. 7 above) by the Library of Congress.

The memorandum and the accompanying documents are submitted for the consideration of the committee.

Sincerely yours,

FRANCIS CASE,
South Dakota.

HEIDELBERG, GERMANY, *July 22, 1954.*

Pvt. WALTER LARSEN RA27804081,
Fort Sheridan, USA.

DEAR SIR: Your letter dated June 28 has been before me for several days. I have talked to Mrs. Larsen twice already and am by now a little familiar with the problem. I also contacted the American lawyer in Frankfurt who told me that he is waiting for money, since you had never paid him anything.

To my greatest surprise and regret I did, when I checked your problems with the consulate in Frankfurt, learn yesterday that they are refusing a visa for Mrs. Larsen because of a previous conviction. As you may know, a previous conviction, even if flatly stricken by an act of pardon by the official authorities, is still held against the convicted person. The State Department, once it has learned about the conviction, insists that the matter be taken up again completely and that the convicted person be acquitted in a new trial. I am about to try to find out whether this is possible in her case.

Under the circumstances, I think it would be by far the best idea if you would try to get back to Germany as a soldier. I figure that it is going to take quite some time before you, Mrs. Larsen, and the "kids" will be able to get together in the United States.

This is a very brief letter which is merely meant to inform you of the present situation. I have promised Mrs. Larsen to assist her as much as I possibly can, since she is apparently without any help over here.

Sincerely yours,

Dr. WULSTEN,
Attorney at Law.

HEIDELBERG, GERMANY,
December 22, 1954.

Senator FRANCIS CASE,
Committee on Public Works,
United States Senate, Washington, D. C.

Subject: Immigration of Mrs. Elsa A. Larsen, wife of Mr. Walter D. Larsen of Farmingdale, S. Dak.

DEAR SENATOR CASE: I have had your letter dated August 11, 1954, and addressed to Mr. Larsen in my file for months. I have delayed answering the letter because we have been corresponding back and forth with various institutions. What is more important, however, is that I first had to study the history of the record. I found that Mrs. Larsen, formerly Schon, has, as a matter of fact, two previous convictions:

1. On May 9, 1944 she was sentenced by the court in Karlsruhe, Germany to a term of imprisonment of 6 weeks for alleged petty larceny. There are several charges, all of which are practically insignificant. One must bear in mind that what she was charged with happened in the turbulent last year of the war. One of the charges for instance was that she allegedly stole from a girl friend bread-ration coupons for not quite 1 pound of bread. The second charge was that she had stolen from the girl with whom she shared a room 2 sanitary towels. The third charge was that she had not returned an apron which she had been using in her capacity as air raid warden. The fourth and final charge was that she had not returned a pair of pajamas to a girl friend of hers.

2. On July 30, 1946, she was tried and convicted by the court in Alsfeld, Germany, for having taken ration coupons, a piece of soap, a duster, a tube of skin cream, and a blouse, all being the property of people with whom she used to live for a period of time. These alleged violations of the law did, of course, also happen in a time which you would certainly not call normal in that they took place soon after the war and long before the currency reform, during which time one could, as I did, buy the premium for a considerable life insurance with not quite one carton of cigarettes and buy a second-hand car for the same merchandise.

I have the impression that all of these minor charges did, at the time, originate from quarrels between Mrs. Larsen and former friends or landlords who had broken with her. This clearly appears from the fact that a girl who had lived with her for quite some time finally reported her to the police for stealing 2 sanitary towels from her.

I am positive that Mrs. Larsen has been on her feet for a long time. It would be a terrific hardship for her if she could not join her husband and take her three kids to the States. By the way, her husband is presently over here trying to assist her in obtaining the visa. We have agreed that he as well as I contact you in order to secure some way out to get the family to the States.

Sincerely yours,

W. WULSTEN.

KARLSRUHE, GERMANY, *February 18, 1955.*

Senator FRANCIS CASE,
United States Senate,
Washington, D. C.

DEAR SIR: Mrs. Ilse Larsen, nee Schoen, at present residing at Lampertheim, Neue Schloss-Str. 2, has again told me her fate in which I have been interested with help for already many years. As she wrote me, she needed the intercession of a parson in order that her case be favorably judged to allow her emigration to America together with her husband and the children. I would really like to help her from inner sympathy in my capacity as a spiritual adviser and report as follows:

As head of the Inner Mission of the Protestant Church of Baden, I became acquainted with Mrs. Ilse Larsen in 1943, when she was dwelling in one of our homes at Karlsruhe. Mrs. Larsen had passed a hard and joyless youth and was at that time not in a position to come along by herself. We took much

care of Mrs. Larsen at that time as we perceived her true will to get orderly through life and to conduct her life on a sound basis. I gave her all the help of the Inner Mission up to the last years of war and even continued helping her at a time when she became a victim of her situation resp. circumstances and, not from own guilt, was going to lose her inner steadiness of character in the different miseries of war.

Mrs. Larsen conducted herself very good during the last 7 years, when circumstances had got in order again. She stood true and faithful on the side of the man who promised to marry her and who is the father of her children, until he now married her. She promised to continue staying in this order as she is willing to follow her husband with the children to the States. Your Senate will have to examine the question whether a family will be allowed to live together and to range in a state or whether the wife shall be forced to remain in Germany, where she and her children will look forward to distress and misery, because a good law, being applied but formally in this case, would have a destroying effect instead of a rebuilding one.

It is for this reason why I now direct the heartiest and sincerest request to the high American authority to grant the consent to all the family Larsen for immigration and to help Mrs. Larsen on the right way by this, too. After my firm conviction, Mrs. Larsen will in no way endanger the principles of the United States, but will rather live into your problems and tasks as an upright and proper individual. In this sense, I ask you for your benevolence toward this woman who suffered so much up to this date.

WILHELM FIEGLER.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.

[Translation (German)]

Jak. Friedr. Zimmer, Willi R. Koch, R. Kirschstein-Freund, attorneys-at-law

GIESSEN, *February 1, 1955.*

Senator FRANCIS CASE,
United States Senate,
Washington, D. C.

MR. SENATOR: Mrs. Elsa Larsen, née Eck, of Neue Schlossstrasse 2, Lampertheim near Mannheim, who has been married since April 1954 to Walter Larsen, an American citizen, has asked me to write a letter of recommendation in her behalf.

I have been Mrs. Elsa Larsen's attorney for several years, because of which fact I feel qualified to render a conclusive opinion concerning her person. She had a serious and joyless childhood and, evidently, suffered greatly at the hands of her stepfather. The situation in Germany in the war and postwar years did not serve as a proper basis on which to build her profession as a sculptress. During the emergency prevailing in Germany at the time, under the pressure of which, I presume, other decent individuals may have gone astray from time to time, Mrs. Elsa Larsen, too, violated the law, this however, happened 10 years ago. The fact that her case involved basically trifling offenses, provoked by general economic stress, may be seen from the pardon issued in her case by the minister of justice for the German Land Rheinland-Pfalz, dated September 24, 1953, "clearing" (wiping out) her police record. Thus, under the German law, she is permitted to refer to herself at all times and everywhere as "without previous police record." If she were obliged to suffer discredit of any kind because of her background history, any possible action to that effect must be regarded as extreme hardship.

Since that time, it is my impression, Mrs. Elsa Larsen has always acted correctly and decently, so that nothing can be said about her which might constitute an obstacle to her admission into the United States.

If you, Mr. Senator, would like to ask me any other, special, questions, I shall be glad to answer them to the best of my knowledge and belief.

Sincerely yours,

WILLI R. KOCH,
Attorney at law.

Translated by Elizabeth Hanunian, February 8, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 518), as amended, should be enacted.

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Calendar No. 1022

84TH CONGRESS, 1st Session | SENATE | REPORT No. 1015

MELITON TOPACIO TAPAWAN

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 696]

The Committee on the Judiciary, to which was referred the bill (S. 696) for the relief of Mellton T. Tapawan, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the word "Mellton" to Meliton", and change the initial "T." to "Topacio".
2. Amend the title of the bill to read:

A bill for the relief of Meliton Topacio Tapawan.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Meliton Topacio Tapawan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native and citizen of the Philippines who last entered the United States on December 17, 1954, at Seattle, Wash., as a member of the crew of a United States naval vessel. He has had continuous naval service since his enlistment on March 25, 1946.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 696) for the relief of Mellton T. Tapawan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Meliton Topacio Tapawan.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of the Philippines.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MELLTON T. TAPAWAN, BENEFICIARY OF S. 696

The beneficiary's full and correct name is Meliton Topacio Tapawan. He is a citizen of the Philippines, born March 10, 1922, at Imus, Cavite, Philippines. His wife, Filomena Alijos, and daughter, Merilyn, age 3, are citizens of the Philippines and are living at 83 Apolinario Street, Culciculi, Makati, Rizal, Philippines. They are dependent upon the beneficiary for their support. The beneficiary is a member of the United States Navy, presently assigned to the U. S. S. *General George M. Randall* as steward, third class, and receives $249 per month, including allowances. He has a house in the Philippines valued at $4,500 and a savings account of $6,000. Mr. Tapawan completed the seventh grade of school in the Philippines. His father, Tranquilino Tapawan, and mother, Eulalia Topacio, are deceased. He has 2 brothers and 3 sisters living in the Philippines.

The beneficiary's last known entry into the United States was at Seattle, Wash., on December 17, 1954, as a member of the crew of a United States naval vessel. He has had continuous naval service since his enlistment on March 25, 1946, at Manila, Philippines.

Senator Henry M. Jackson, the author of the bill, has submitted the following letters in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
April 15, 1955.

HON. HARLEY KILGORE,
Chairman, Immigration Subcommittee, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: I am writing on behalf of Mellton T. Tapawan, steward, third class, United States Navy, for whom I have introduced private immigration legislation, S. 696.

The enclosed documents from Mr. Tapawan and his present commanding officer, Capt. A. Kusebauch, United States Navy, contain supporting data.

I would like to add that Mr. Tapawan's case was recommended to me by Mr. John Boyd, Director of the Immigration and Naturalization Office in Seattle, Wash. Mr. Boyd indicated to me that all administrative remedies in this case had been exhausted and that a private bill was the only resource left.

Should further information be needed, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

U. S. S. "GENERAL G. M. RANDALL" (TAP–115),
Fleet Post Office, San Francisco, Calif., January 7, 1955.

Senator HENRY M. JACKSON,
Senate Office Building,
Washington, D. C.

To the Honorable Senator Jackson:

I, Mellton T. Tapawan, stewardman, third class, United States Navy, am seeking United States citizenship. Facts pertinent to my plea, as indicated by the United States Immigration Office, Seattle, Wash., are as follows:

Born: March 10, 1922, Imus Cavite, Phillipine Islands.

Entered United States Navy: March 25, 1945, Manila, Phillipine Islands (continuous service since that date). Service No. 5833368.

Service: 1946–48, U. S. S. *Cocopa* (ATA–101); 1948–52, aboard the U. S. S. *Hector* (AR–7). In 1952 spent 8 months aboard the U. S. S. *Catamont* (LSD–17); 1952–1954 aboard the U. S. S. *Talladega* (APA–208); 1954 to present date aboard the U. S. S. *General G. M. Randall* (TAP–115).

Family status: Wife, Filomena, born January 29, 1927, Imus, Cavite, Philippine Islands; daughter, Merilyn, born February 28, 1952, Imus, Cavite, Philippine Islands.

All known administrative remedies have been investigated and none will give the desired relief. I have been informed that my only recourse is to appeal to you to introduce a bill in Congress on my behalf.

I have been in the United States Navy for 9 years and during that period I have been working toward United States citizenship for me and my family. All avenues are closed to me at this time. My commanding officer, Captain Kusebauch, United States Navy, has aided me in my efforts. I would sincerely appreciate any efforts on your part in my behalf.

If any further information is necessary please reply to the return address.

Very respectfully,

MELLTON T. TAPAWAN.

U. S. S. "GENERAL GEORGE M. RANDALL" (TAP–115),
Fleet Post Office, San Francisco, Calif., January 10, 1955.

Senator HENRY M. JACKSON,
Senate Office Building, Washington 25, D. C.

To the Honorable Senator Jackson:

Mellton T. Tapawan's, stewardsman, third class, service in the Navy is as indicated in his letter dated January 7, 1955.

He has an excellent record in the Navy, and from my observations of him, he has proven himself to be sober, reliable, industrious, and an asset to any command.

I believe any aid leading to Tapawan's citizenship would be beneficial to the United States Navy and to the United States. I therefore hope that the Senator will give Tapawan's plea favorable consideration.

Very respectfully,

A. KUSEBAUCH,
Captain, U. S. N., Commanding Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 696), as amended, should be enacted.

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Calendar No. 1023

84TH CONGRESS, 1st Session — SENATE — REPORT No. 1016

KATHARINA STEINBACH

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1406]

The Committee on the Judiciary, to which was referred the bill (S. 1406) for the relief of Miss Kaithe Steinbach, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4 change the name "Kaithe" to "Katharina".
2. Amend the title of the bill to read:

A bill for the relief of Katharina Steinbach.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Katharina Steinbach. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 57-year-old German subject who was born in Sudetenland, formerly Germany, now Czechoslovakia. She entered the United States at New York on August 13, 1952, as a visitor employed as a nursemaid for the family of a State Department official. The family could not afford to keep her and could not afford to pay her passage back to Germany, so she accepted employment as a nursemaid in another family. This change of work violated her status. The beneficiary is unmarried; her parents are deceased; although she is chargeable to the quota of Czechoslovakia, she cannot return there.

She studied nursing at the German University in Prague and received a diploma over 35 years ago. There is a shortage of trained personnel in this field in the United States.

A letter, with attached memorandum, dated May 3, 1955, to the Chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 3, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1406) for the relief of Kaithe Steinbach, there is attached a memorandum of information concerning the beneficiary. This menorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office which has custody of those files. According to the records of this Service the correct name of the beneficiary is Katharina Steinbach.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Czechoslovakia.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KATHARINA STEINBACH, BENEFICIARY OF S. 1406

Katharina Steinbach, a German subject, was born December 13, 1897, in Haroushen, Sudentenland, formerly Germany, now Czechoslovakia. She is single and has no one in the United States dependent on her for support. She resides at 836 Sheridan Road, Wilmette, Ill., where she is employed as a child's nurse, earning $50 weekly. Her assets consist of $1,300 in savings.

The beneficiary attended grade school from 1904 to 1911 in Germany and German University, Prague, Czechoslovakia, from September 1, 1916, to August 30, 1918, where she received a diploma in nursing. Her parents are deceased. She has a brother and sister residing in Germany and a sister in Austria.

Miss Steinbach entered the United States at New York, N. Y., on August 13, 1952. She was admitted as a visitor and granted extensions of stay until April 24, 1953. She violated her status by terminating her employment with the family of a State Department official and accepting employment elsewhere. Deportation proceedings were instituted and she was found to be deportable from the United States on the ground that she failed to maintain status after admission as a visitor. She has been granted the privilege of departing voluntarily from the United States with the proviso that failure to depart will result in on order of deportation. To date she has not availed herself of that privilege.

There is apparently no other administrative relief available at this time. She has never served in any component part of the Armed Forces either in the United States or abroad. Miss Steinbach has been employed as a nurse, primarily by professional and diplomatic people in Austria, Hungary, Germany, and the United States. She alleges that she has never belonged to any organizations other than the Arbeisfront and that she became an involuntary member in that organization at Budapest, Hungary, in 1936. A check of the Wilmette, Ill., Police Department revealed no record pertaining to the beneficiary.

Miss Steinbach was the beneficiary of H. R. 4258, 83d Congress, which was not acted upon prior to adjournment.

Senator William Langer, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

DECEMBER 6, 1954.

STEINBACH, KAITHE

Helen Gerry, Immigrant's Protective League, Chicago, was in the office to leave some information concerning above. Said that Thomas Sullivan was supposed to be writing the Senator about the case.

Miss Steinbach came into this country August 13, 1952, as a visitor to be employed in the family of Duran Smith, a State department employee, who since has suffered breakdown and family could no longer keep girl, nor could they afford to pay for her transportation back to Germany. She was then given her present position of nursemaid for the Joe Pollock family, 936 Sheridan Road, Wilmette, Ill., who have five children, commencing March 14, 1954. She has been given voluntary departure to go back home—Czechoslovakia—where she could not go now, and it is doubtful she would even be admitted to Germany.

Congresswoman Thompson of Illinois had a bill in for the girl last session but it was not acted upon. Congresswoman Thompson wrote Miss Steinbach recently telling her she was advised by the counsel of the immigration committee that she should leave on December 29, go back to Germany and apply for a visa under the refugee program. This would take considerable time and the Pollock family cannot afford to be without her help especially now with a new baby.

Miss Gerry said she was going to ask Immigration for another extension beyond December 29.

LAW OFFICES

THOMAS V. SULLIVAN

CHICAGO, *March 7, 1955.*

Senator WILLIAM LANGER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Mr. Joe Pollock of 836 Sheridan Road, Wilmette, Ill., has phoned me again regarding his child's nurse, Miss Katharine Steinbach.

Under date of December 8, 1954, I received a letter from you, copy of which is attached, wherein you state that you would introduce a bill for Miss Steinbach as soon as you convene in January and to date I have had no further word from you.

Mr. Pollock is most anxious to keep this nurse for his child and now advises me that a Mr. Edward C. Dennis, of the United States Department of Immigration and Naturalization Service in Chicago has given Miss Steinbach her last extension which is until April 4, 1955.

I would like very much to help Mr. Pollock in this matter and if there is anything you can do with this Department to keep his nurse in this country, I would greatly appreciate it.

Hoping you are well and awaiting your reply, I am,

Sincerely,

THOMAS V. SULLIVAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1406), as amended, should be enacted.

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Calendar No. 1024

84TH CONGRESS, 1st Session } SENATE { REPORT No. 1017

ERWIN S. DE MOCSKONYI

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1034]

The Committee on the Judiciary, to which was referred the bill (H. R. 1034) for the relief of Erwin S. DeMocskonyi, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On line 4, strike the name "DeMoskonyi" and insert in lieu thereof the name "de Mocskonyi".
2. Amend the title to read:

A bill for the relief of Erwin S. de Mocskonyi.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Erwin S. de Mocskonyi. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is entitled to nonquota status as the husband of a United States citizen. The purpose of the amendments is to correct the spelling of the beneficiary's name.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of Hungary, who last entered the United States on February 18, 1949, as a student. In June 1952, the beneficiary married a United States citizen with two children of a former marriage. The beneficiary's wife is presently expecting the birth of a child. The beneficiary

graduated from the University of Southern California with a degree in mechanical engineering and he is now employed in the engineering department of the Rheem Manufacturing Co., where officials state that he is doing excellent work.

A letter, with attached memorandum, dated October 28, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 4013, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

OCTOBER 28, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4013) for the relief of Erwin S. De Moskonyi, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary. According to the records of this Service, the correct spelling of the beneficiary's name is Ervin Stephen de Mocskonyi.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The alien is entitled to nonquota status on the basis of his marriage to a United States citizen.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERVIN S. DE MOCSKONYI, BENEFICIARY OF H. R. 4013

Ervin Stephen de Mocskonyi, a native citizen of Hungary, was born on June 7, 1924. He resides at 3650 Magnolia Avenue, Lynwood, Calif. Mr. de Mocskonyi was admitted to the United States as a student on February 18, 1949.

The alien applied for permanent residence in the United States under the Displaced Persons Act in August 1950. Although his application was approved by this Service, it was not acted upon by the Congress prior to adjournment in 1952. Deportation proceedings were commenced in November 1952, and the alien was found to be deportable on the ground that he failed to maintain the status of a student.

Mr. de Mocskonyi is employed as a mechanical engineer in Los Angeles. He married a United States citizen in June 1952. He states that he is the main support of his wife and her two children by a former marriage.

Congressman Patrick Hillings, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letters in support of the bill:

LOS ANGELES, CALIF., *April 27, 1955.*

Hon. PATRICK HILLINGS,
Member of Congress,
House Office Building, Washington, D. C.
(Attention Mr. William Price.)

DEAR MR. PRICE: Reference is made to Congressman Hillings' telegram to me of 10 days ago advising that the House Judiciary Committee has favorably reported H. R. 1034 for the benefit of Erwin S. de Mocskonyi. Reference is further made to your telephone call, which was transferred to me at Coronado on April 1, at which time you asked that I resubmit certain factual supporting data which amply justifies congressional action on Mr. de Mocskonyi's behalf.

In September 1947 the applicant was able to leave Hungary as a member of the Hungarian yachting team and from that trip refused to return. After spending a year and a half in Switzerland he was admitted to the United States in February of 1949 on a student's visa to complete his studies. While attending the University of Southern California, where he finally received his bachelor's degree in mechanical engineering, he applied for an adjustment of status under section 4 of the Displaced Persons Act of 1948 as amended, No. DP-6548. After

a hearing and subsequent investigation he was advised on March 15, 1951, that the local immigration office had "recommended favorable action." On May 25, 1951, he was advised that the central office of the Immigration Department in Washington had on May 14, 1951, granted his application, subject to congressional approval. At all times during this period his visitor's permit was in force. He was advised by local immigration officials that the required congressional ratification was but a matter of form. In reliance on this information, having graduated from the university, he took a position in the engineering department of Rheem Manufacturing Co. in November of 1951. He has been with that company, or one of its subsidiaries, since that time. In June of 1952, Mr. de Mocskonyi married a United States citizen, a native of Los Angeles, and they are presently expecting their first child. Three months after his marriage Mr. de Mocskonyi was for the first time advised by the Immigration Department that Congress had not acted on the Immigration Department's recommendation and that consequently he was now in the United States illegally.

Before asking Congressman Hillings to introduce the bill which was the basis of his H. R. 4013, filed in the House on March 16, 1953, I made some inquiries on the Senate side and was advised that de Mocskonyi's case was one of several thousand which was not reached by the Senate prior to adjournment of the 82d Congress. With the adjournment of that Congress the law under which de Mocskonyi was seeking adjustment of status expired. I know the Judiciary Committee of the House did not report on H. R. 4013, but, as you have advised, H. R. 1034, introduced by Congressman Hillings in this Congress, has been favorably reported and awaits House action.

I understand that De Mocskonyi's work required that he first be cleared by the Federal Bureau of Investigation. I am sure you will have heard from other sources as to his character and the Immigration file, I assume, has been made available to the committee.

It would seem a tragedy if this young couple who entered into marriage after being advised that his status to remain was cleared, and who have established a home and are expecting a child, should be forcibly separated. I am sure such an act would be repugnant to our sense of American justice. The experience of his close relatives being incarcerated in detention camps by the Communist rulers of Hungary would be mild as to what would happen to him should Congress fail to approve H. R. 1034.

Sincerely,

JOHN J. IRWIN, *Attorney at Law.*

RHEEM MANUFACTURING CO.,
Southgate, Calif., April 25, 1955.

Hon. PATRICK J. HILLINGS,
Member of Congress, House Office Building,
Washington, D. C.

DEAR MR. HILLINGS: It is my understanding that private bill H. R. 1034 was introduced by you on January 5, 1955, in behalf of Erwin de Mocskonyi. It is further my understanding that this bill has received favorable consideration by the Committee on the Judiciary.

We feel that it would be of interest to you to know that Mr. de Mocskonyi has been employed by Rheem Manufacturing Co. continuously since November 15, 1951. During this period he has applied himself industriously and has progressed in his work, at the present time holding the position of mechanical design engineer in our automotive parts division. It is, we believe, to his credit that he has completed his formal education while employed, having attained the degree of bachelor of engineering at the University of Southern California. We have high praise for his character, attitude, and intelligence, and we are looking forward to many years of his being associated with this company.

With further reference to his personal character we know that he married in 1952 Rosemarie Byron, an American citizen by birth, and that they are expecting a baby in October of this year. May we urge your support toward granting citizenship to a very worthy young man.

Very truly yours,

R. T. STROUP,
Assistant to the General Manager.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1034), as amended, should be enacted.

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84TH CONGRESS, 1st Session — SENATE — REPORT No. 1018

INGEBORG LUISE WALLING

JULY 18, 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1958]

The Committee on the Judiciary, to which was referred the bill (H. R. 1958) for the relief of Ingeborg Luise Fischer, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On line 5, strike the name "Fischer" and insert in lieu thereof the name "Walling".
2. Amend the title of the bill to read:

A bill for the relief of Ingeborg Luise Walling.

PURPOSE OF THE BILL

The purpose of the bill, as amended is to grant to the minor child adopted by citizens of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens. The bill has been amended in accordance with the request of the Committee on the Judiciary of the House of Representatives.

STATEMENT OF FACTS

The beneficiary of the bill is a 16-year-old native and citizen of Austria, who presently resides in that country. She was adopted on September 22, 1954, by Sfc. and Mrs. Henry Joseph Walling, who are citizens of the United States. Sergeant Walling has been in service with the United States Army from January 1, 1935, to September 1948, and from December 27, 1949, to the present date.

A letter, with attached memorandum, dated May 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill H. R. 1958 for the relief of Ingeborg Luise Fischer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant, the child would be chargeable to the quota of Austria.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INGEBORG LUISE FISCHER, BENEFICIARY OF PRIVATE BILL H. R. 1958, 84TH CONGRESS

The beneficiary, Ingeborg Luise Fischer, is a 16-year-old child, a native and citizen of Austria, born April 1, 1939. She has never been in the United States. She was adopted in the Austrian courts on September 22, 1954, by Sfc. and Mrs. Henry Joseph Walling, the parties interested in her case. Since that date she has used the name Ingeborg Luise Walling. The beneficiary was turned out of her home by her father, who wanted to rent her room. In addition to her father, Joseph Fischer, she has 2 sisters and 1 brother residing in Austria and 1 sister, Mrs. Paula Richey, residing in City Falls, Nebr.

Sfc. and Mrs. Henry Joseph Walling are United States citizens. Sergeant Walling was born on February 12, 1915, at Worcester, Mass. Mrs. Walling was born on May 8, 1906, at East Boston, Mass. She was previously married to Russell Howes and had four daughters through this marriage. All four daughters are now grown and married. None is dependent upon interested party for support. Sergeant Walling has been in service with the United States Army since January 1, 1935, to September 1948, and from December 27, 1949, to the present date. He testified he earns approximately $400 a month; that he and his wife own a custom-made trailer valued at $7,000 with a $1,000 mortgage outstanding; a 1954 Lincoln sedan valued at $3,500 on which approximately $1,000 is owed. They contribute about $30 a week for the support and maintenance of their adopted daughter and regularly send her food and clothing.

The beneficiary presently resides with a sister at 30d Vogelroeiderstrab Strasse, Salzburg, Austria. The committee may, therefore, wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for further information in this case.

The Director of the Visa Office, Department of State, submitted to the Committee on the Judiciary of the House of Representatives the following report:

DEPARTMENT OF STATE,
Washington, April 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Ingeborg L. Fischer, beneficiary of H. R. 1958, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Salzburg, Austria, reads as follows:

"Ingeborg Louise Fischer, born April 1, 1939, in Salzburg, Austria, was registered on the nonpreference portion of the Austrian quota at this consulate on August 19, 1954. Her mother is deceased, her father presently is residing in Salzburg, according to her visa questionnaire. From the files at this office, it would appear that Ingeborg Fischer has not been formally adopted by Sergeant and Mrs. Walling. She has not been requested to submit to a physical examination."

As the quota for Austria is oversubscribed, it is anticipated that Miss Fischer would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Fischer would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, May 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: With further reference to your letter of February 25, 1955, wherein you requested a report of the facts in the case of Ingeborg L. Fischer, beneficiary of H. R. 1958, 84th Congress, 1st session, there are enclosed two copies of a self-explanatory communication dated March 28, 1955, from the American consulate at Salzburg, Austria.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enclosure: From American consulate at Salzburg, March 28, 1955 (two copies).

OPERATIONS MEMORANDUM

MARCH 28, 1955.

To: Department of State, OMV 252.
From: American Consulate, Salzburg, Austria.
Subject: Visas, immigrant case of Ingeborg L. Fischer.
Reference: Your OMV of March 16, 1955, and our OMV of March 23, 1955.

Since sending our referenced OMV, this consulate has learned that the competent Austrian court has approved the adoption of Ingeborg L. Fischer by Sergeant and Mrs. Walling. And in consequence thereof has caused her name to be changed to Ingeborg Louise Walling for the purposes of any records maintained by the Austrian authorities regarding this child. In the course of the adoption proceedings her natural father unconditionally released Ingeborg for adoption by the Wallings.

In addition, Senator Leverett Saltonstall wrote to the chairman of the Senate Committee on the Judiciary in connection with the case, as follows:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
July 7, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: This letter is written in reference to H. R. 1958, a private bill for the relief of Ingeborg Luise Fischer, introduced by Congressman Martin of Massachusetts. This legislation passed the House on July 5 and is now before your committee.

Sfc. Henry J. Walling, presently stationed at Fort Dix, N. J., telephoned my office today with reference to this legislation and he will, I know, deeply appreciate any early consideration which may be given by your committee. The beneficiary

of this bill, Ingeborg Luise Fischer, is a 16-year-old child, a native of Austria, who was adopted by Sergeant and Mrs. Walling.

A copy of the House report, No. 962, is enclosed herewith which describes the purpose of the bill.

Thank you for your consideration of this letter.

With kind regards, I am

Sincerely yours,

LEVERETT SALTONSTALL, *United States Senator.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1958), as amended, should be enacted.

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